

Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, August 4, 1987 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of Regular Board Meeting held on July 7, and Special Board Meeting held on July 27, 1987 are dispensed without objection and be approved.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "The heads of the Departments of Town Government are here somewhere this evening should anyone have any question of the operation of their various departments. Reports Mrs. Pendzick."

REPORTS

Planning Board, 7/27/87-Minor Sub-division of Tuthill & Perry on Northville Turnpike is approved.

Town Clerk-Month of July 1987.

Bridgewater Townhouses-Traffic Impact Study and D.E.I.S.

OPEN BID REPORT - Re-Alignment of Schultz Road

Filed

Bid Date: July 23, 1987
7 Bids Submitted

#1 NAME: Laser Industries, Inc.

ADDRESS: P.O. Box 315, Route 25, Ridge

TOTAL BID: \$170,960.00

ALTERNATE: \$4,250 (deductible)

REPORTS Continued

- #2 NAME: MID-ISLE EXCAVATING, INC.
ADDRESS: 819 15th Street, ronkonkoma
TOTAL BID: \$188,100.00
ALTERNATE: \$1,500 (deductible)
-
- #3 NAME: JOHN T. MONTECALVO, INC.
ADDRESS: 48 Railroad Avenue, Center Moriches
TOTAL BID: \$180,840.00
ALTERNATE: \$7,000 (deductible)
-
- #4 NAME: LAPADULA CONSTRUCTORS, INC.
ADDRESS: 380 TOWN LINE ROAD, HAUPPAUGE,
TOTAL BID: \$219,219.00
ALTERNATE: \$5,000 (deductible)
-
- #5 NAME: COLLINS CONSTRUCTION
ADDRESS: 210 Middle Country Road, Middle Island
TOTAL BID: \$225,446.00
ALTERNATE: \$10,000 (deductible)
-
- #6 NAME: SOUTH FORK ASPHALT CORP.
ADDRESS: SPRINGS FIREPLACE ROAD, EAST HAMPTON
TOTAL BID: \$236,282.00
ALTERNATE: \$30,000 (deduction)
-
- #7 NAME: PAV-CO ASPHALT, INC.
ADDRESS: 615 Furrows Road, Holtsville
TOTAL BID: \$291,550.00
ALTERNATE: \$4,000 (deductible)

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS AND PETITIONS

Site Plan-Peconic Bay Motors (extension to Parking Lot). Filed

Special Permit-Joseph Manzi (one-family residence on Bus. "C" property, Hill Street, Wading River). Filed

Petition-27 residents request surfacing of Zdunko Road. Filed

Petition-108 residents and 20 non-residents request consistent program to maintain ramp at Iron Pier. Filed

Supervisor Janoski, "Correspondence."

CORRESPONDENCE

Suffolk County Public Administrator, 7/28/87-Advising they have recently received Estate of A. Mazzarella. Filed

Supervisor Janoski, "The time for the first public hearing has not yet arrived. We have a long list of Unfinished Business, some of which will be addressed this evening. I would recognize anyone wishing to be heard on any matter. Steve."

Steve Haizlip, "I see that one of our highway representatives that I'm going to speak about is in the audience tonight. I hope I can get through. Now, the Highway Department as far as the State of New York and Suffolk County and the Town, we've got some very bad bumps on Route 25 and 58 and I brought this subject up. When you are driving along and hitting these bumps, the wheels and the tires are crashing up the shocks and so forth. So you're supposed to have very good paid people, highly qualified people and others to get out and ride and find these bumps and try to level them down and make the travelling safer for the people that are travelling so you don't jump all over and bounce all over. They're like speed bumps. They're just bumps that got in the road and we're having trouble getting them down. So I request that the town go out to the County and the State. Thank you."

Supervisor Janoski, "Thank you Steve. Yes ma'am."

Marianne Lally, I represent Northfork Civic Association, some members of the Jamesport Civic Association and some residents from Riverhead who are members of neither associations. These are people who have signed petitions regarding the servicing of the ramp at Iron Pier Beach. I would like to bring it to the attention of the members of the Board that the further inoperation of the ramp off Long Island Sound at Iron Pier Beach in the Town of Riverhead, New York is inadequate. Residents have to resort to renting four wheel drive vehicles to launch and retrieve boats. So of their vehicles have resulted in ramifications and accidents. Last week on Wednesday, one of the residents of the town had great difficulty

PERSONAL APPEARANCES ContinuedMarianne Lally, Continued

in getting his boat in the Sound. As a result, the motor was completely destroyed and he has four or five holes in the fiberglass boat which is no longer operable because of the difficulty in taking the boat in and out on the ramp. I witnessed this myself. Maintenance of the ramp at Iron Pier Beach would enable Riverhead residents and their guests to enjoy boating on Long Island Sound. And subsequent improvement of this ramp should be consistent when Riverhead starts to become a more permanent recreational area and brings revenue into the township. The people who have signed the petitions requesting that for the remainder of this year, that the ramp be maintained properly and that thereby beginning subsequent improvement for the ramp for the following year. I would like to read that in the Community Journal, July 22, 1987, that a gazebo was built at the town park in Wading River. And it looks like the Town Board approved a budget toward the maintenance and the Supervisor had the authority to allocate the funds and this beach is being maintained. and I feel that the citizens who live in Riverhead which is very close to your county court in the center of this town should have their beach maintained and I think that the ramp should be serviced so that boats can get in and out without having accidents which could cause casualties for a lot of people."

Supervisor Janoski, "Thank you."

Councilman Prusinowski, "Just one comment on that. The Supervisor asked capital projects committee, myself and Rob Pike to come up with a list of capital projects to be presented to the Town Board. And among them, we put in on high priority for capital improvements on all the beaches, especially the Iron Pier Beach. We tried to do this several years ago. We had engineering studies done. We were going to float the bond. Then the March storm wiped out, did severe damage to the beach and to the area and we had to take a second look on what we're going to do. That will be addressed in the next budget, definitely."

Supervisor Janoski, "The provision of a boat ramp, the estimate that we got in the earlier part of this year because we had it redesigned, is near 300 thousand dollars. And the Town Board will, as we move towards the establishment of a budget for 1988, will have to decide whether in fact to borrow the 300 thousand dollars to provide that new boat ramp. And it has been said, that a priority list is being established and this has a very high priority. I saw a hand somewhere in the back. Yes ma'am."

Molly Salter, Mill Road, "I just have a question. There are signs all over the area that say flood area. The signs are still there and it's still flooding. Why isn't something done about it?"

Councilman Prusinowski, "Ma'am, is that Mill Road or Middle Road?"

Councilman Lombardi, "Mill Road."

PERSONAL APPEARANCES Continued

Councilman Prusinowski, "We have a highway committee that is going to check that out. We are proceeding with several drainage projects in the Town right now. Middle Road, we've just approved two for Wading River this week that were kicking around for four years. We had initial bonding of about 1.5 million. I think it was three million dollars. I'm not sure. It's been so long now. So we spent over a million dollars in drainage work throughout the town. And unfortunately, the rural characteristic of the town, you can not fix every single situation like that. It would run into millions and millions of dollars by the rural nature. We did have an engineer years ago look at that and there was a future cost submitted to the Town Board. And if you add it all up, it was 20 or 30 million dollars. So we do the best we can with the money we have."

Councilman Lombardi, "Mrs. Salter, where is that on Mill Road?"

Molly Salter, "On Route 58 and Mill Road."

Supervisor Janoski, "Ma'am, you have to come up here."

Marianne Lally, "Regarding the ramp. Down by Northville Turnpike, there was a ramp that was constructed about 20 years ago. That ramp is still there. I would like to suggest that the engineers or the people who are going to build the ramp, ride down, take a look at that ramp and see why that ramp has with stood for so many years. The person I spoke to, said it had something to do with the scalloping effect on the ramp. That is has scallops along there and this seems to do something to keep the ramp in place and the waves and currents from unheaving it. They really don't need a ramp all the way back up to the road. You really only need the cement portion of the ramp in the area that goes directly into the water. So you really don't have to build a whole ramp. That's why I question the amount of money that's being asked to build this."

Supervisor Janoski, "It was simply designed for a ramp and while I am not a boater or a fisherman, I do understand the power of Long Island Sound. In 1984 it just completely removed very large slabs of concrete. And the people who talked to me about it, said you will never build anything."

Marianne Lally, "Now, I would suggest that they look at this one that is next to Northville Turnpike, that is no longer operable that was built when they first built the ramp out there. This goes back almost 20 years and that ramp is still there. Right by Northville oil terminals. Next to the terminal on the beach, there is a ramp. You can't see it at high tide. You see it at low tide. It's been there for 20 years. Well actually, if it was resurfaced, it would be a beautiful ramp. But of course, there's no access to that for the public. And if the road were to go back through that area you could certainly use it but that's impossible. I mean, why can't they build something similiar to that? If there are any engineers here, maybe they could comment on that. Thank you very much."

Supervisor Janoski, "Thank you. A couple minutes remaining before the first public hearing. Is there anyone else who wishes to be heard on any subject? Henry."

PERSONAL APPEARANCES Continued

Henry Pfeiffer, Wading River, "At this time of year, as in the past, there seems to be a reoccurrence of the con games and we find that there are complaints not only among the seniors but also among the perspective seniors that they have been conned by building contractors and so forth. Now, I don't know whether it is within the pervue of the Town Board to do anything about it, but Nassau County has recently enacted some legislation for the protection of the residents there against these con artist. It has to do with the licensing of contractors, providing a bond and a number of other things. And I'd like you to either give some thought to that. And if nothing else, possibly to get some publicity to the matter so that for those of us who are inclined to be suckers, are not made so."

Supervisor Janoski, "The county has such laws in existence regarding licensing of service people. Also, the county does operate a Department of Consumer Affairs. And they have in the past, issued warnings during this time of the year to certain individuals who conduct unscrupulous business in the area and there have been a number of arrests. Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 4, 1987 at 7:45 p.m. to hear all interested persons regarding: Application of Dr. Louis Pizzarello for a professional business overlay district at premises located at S/E corner of Roanoke Avenue and Ackerly Street.

CORRESPONDENCE

Planning Board, 7/6/87:

Recommending that application be approved.

Supervisor Janoski, "Thank you. Mr. Danowski."

Pete Danowski, Attorney, "I'm the attorney representing Dr. Pizzarello. Just a brief explanation for those in the audience who might be interested in this particular application. As it has been noted by Mrs. Pendzick, we have appeared before the Planning Board at a public meeting. We have met with the Planning Department of this town as well. Our application is to fix up and clean up a house that is located on the corner of Roanoke Avenue that is currently a legal two-family dwelling with a separated garage. The condition of that house, over a period of years, has deteriorated to a point that it is physically unsightly. In addition to that, the neighbors, some of the neighbors, have come, myself, on behalf of the applicant and voiced their personal opinion that the people who are living on the particular site have caused a great deal of aggravation, be it by means of noise or the way they act to the whole community. We're suggesting that we'd like this Board to grant us permission to put a doctor's office on the downstairs portion of that building, permitting the residence upstairs which

PUBLIC HEARING ContinuedPete Danowski, Continued

would, typical of the first instance, certainly be the nurse or the doctor. Dr. Pizzarello is an optamologist. He currently practices in the town in rented quarters at the medical arts building and he has submitted a site plan, a survey and I can submit and show it to anyone who wants to see it, his architectural renderings of how the building would be redone. It would be redone with landscaping, new siding, underground irrigation, parking and drainage. All of the site plan work meets the Town Code and I even have some reservation that I mentioned today, that there may be a PB zoning in effect already. Historically, and I'm just remembering back to a great number of years ago, and I think the PB zone actually went into place. Be that as it may, we filed an application to overlay a PB zone applying to the bottom portion of the premises only. If you go by that building today with the cars parking on the street by tenants, we're providing off-street parking and we're going to dress that building up if the Town Board allows us to do so. I know Mr. Robert Dick, he'll be here in support of the applicant and he is physically present. And I can read a letter from another neighbor who is supporting the application."

Supervisor Janoski, "Thank you Peter."

Jacob Harding, "Mr. Supervisor, members of the Town Board. I'll try to be brief because I know you have a lot of important business following this matter. A few weeks ago, I received by registered mail, a copy of the resolution pertaining to the matter of the application of Dr. Pizzarello for professional use of a building at the southeast corner of Ackerly Street and Roanoke Avenue. Now, I'd like to have you members of the Town Board please refer to the sketches. Now, before referring to the Dr. Pizzarello matter, I would like to have you look at the opposite corner, the northeast corner of Roanoke Avenue and Ackerly Street. And I have a date on the sketches of July 15, 1987. That shows the situation of Dr. Iaconna's professional building on that date. You will note that there is a car on Roanoke Avenue. There is one car facing the garage and there are three cars in his parking area and there are two more cars on Ackerly Street. There is a total of three cars on Ackerly Street. Unfortunately, this matter was granted by the Town Board. Proper arrangements were not made to avoid this situation. A proper set up was not properly done. The parking was not properly done. The trees and shrubs prevent people from parking, so the park on Ackerly Street. I remember that situation on Roanoke Avenue as you know, if you try to get out of Ackerly Street or if you try to get of Hallock Street, you have a little difficulty. Now how does this effect Harding down on Hallock Street? Well, I'm going to try to explain that particular point to you gentlemen. Next to it on the east, there is a narrow road. I believe it is the shortest and narrowest street in the Town of Riverhead. It's only 20 foot point 2 wide. That's all it is. There is a fair amount of traffic that goes down that street. Now, because of the situation of the doctor on the corner of Ackerly and the co-existing situation on Roanoke Avenue,

PUBLIC HEARING ContinuedJacob Harding, Continued

as they head towards the traffic circle and down from the traffic circle, there a lot of people who live on Ackerly who take this little private narrow road. There a lot of people who visit the doctor that take that private little road. Whereas before, there was maybe ten or fifteen cars a day. Now, on certain days, there can be thirty or forty. Now, in regard to the application of Dr. Pizzarello, if it does proceed forward from this point, I would like to be informed on everything that takes place. I want to see the plans. I want to know how you people are going to begin there. According to the rules for parking for professional offices, one parking space is necessary for every 150 feet. Looking at the bottom floor of the building the applicant is talking about, I would say three parking spaces. One needed for the doctor, that's four. One needed for the nurse, that's five. One needed for an upstairs tenant, that's six. Alright, I want to see the plans and the proper plans for getting that abandoned car out of there and getting a good parking place. I've shown you how it effects me and how it effects some other of my neighbors even down to Hallock Street because of that narrow road. There's another man which has to back out of his driveway. I show that on the sketch. Manerell has to back out of his driveway onto that narrow road. Recently, Mrs. Manerell was driving with her child, a little baby and had a very close call on that street people shooting up and down. I want to tell you gentlemen, as far as I'm concerned, the quality of my life is certainly effected. The character of the neighborhood is being changed by a commercial business covered by such words as professional usage. Because of the Roanoke Avenue traffic congestion, if you continue your plan of putting doctors offices on every corner, you've got four corners for Ackerly, you've got four corners for Hallock, that's eight doctors offices. I'm thinking of the future. I'm thinking of 1990, the possibility of what it's going to be then. And as far as I'm concerned, a doctors office is no better than a commercial usage because of the traffic of automobiles these days. You don't walk to a doctor's office. There's no way of getting out of Hallock Street. There's no way of getting out of Ackerly Street. I suggest you go there and see it. Come up. If I'm there, I'd be happy to treat you to some ice tea. Now, I want to talk a little about the quality of life. Show some of the mistakes that have been made and some of the admissions. Let us go to the westerly end of Ackerly Street. There are a couple of very nice homes there. I was thinking specifically of the Zamber residence. The damage of scenery that this Waldbaum's thing has done to that residence. There's a wall there 30 foot high. I know architects and builders have plans and they do it on paper.. It is horizontal. They forget that things also go vertical. No longer can any of the people there look out and see the sunset or any trees or grass. I'm talking about the quality of life. The Masonic Temple, to me, has always been one of the most beautiful and most interesting buildings in the Town of Riverhead. Up until this past week, somebody has killed the situation a little. There has always been papers; Dunkin Donuts papers, betting slips. I'm not interested in who run the race at Belmont but I am interested in seeing that a dumpster is covered and the papers don't come out. If there's no locks on those dumpsters, they're going to cause a stink. That's something about the quality of life. From Pulaski

PUBLIC HEARING ContinuedJacob Harding, Continued

Street to the traffic circle at the hospital there's no parking. Those signs have just gone up in the past week or so. In fact, John Lombardi can't even park a car in front of his own house. There's more and more cars that are going to park and this is one of the reasons that makes them park. We get a situation that was not planned by the Roanoke Heights Development Corporation. When I bought a lot up there and some of my friends bought a lot up there and were getting ready to retire. And I'm no longer chasing the bucking or following the career, I want to retire and enjoy myself. I don't want to run into a lot of traffic where 70 or 80 cars go down that narrow 20 foot street right next to my house. That's not the way it was planned. I remember some of the deeds. They said; no chickens, no cows, no horses. They should have added, no doctors offices. Speaking a little about the quality of life, I like the way Councilman Pike conveniently arranged for his office. There's a little bit about the quality of life. He took a nice building and he's got something about the esthetic beauty of life. I'm talking about the quality of life and I think you gentlemen have got to consider it. You're wrong just saying that every time a doctor wants to put in an office, let him go ahead and do it. I drew the original zoning ordinance."

Supervisor Janoski, "Jack, you know we have a five minute rule."

Jacob Harding, "I'm going to go. One minute. I drew the original zoning ordinance and I'm very proud of it. You remember the time. But gentlemen, since that time, it has become diverted. It's become perverted and I'm sorry to see the direction in which you're sometimes going. Please, are there any questions? Thank you very much."

Supervisor Janoski, "Thank you Jack." We have a hearing scheduled for 7:55. But because the entirety of the proposed revisions were not printed, that meeting has to be adjourned until the next Town Board meeting and we also have a public hearing scheduled for 8:05. And that meeting will have to be cancelled because the application was withdrawn. We will continue with the application of Dr. Pizzarello. Mr. Dick."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 4, 1987 at 7:55 p.m. to hear all interested persons regarding: Proposed Revisions to the Bus. "CR" zoning use district code.

7:55 PUBLIC HEARING WAS RESCHEDULED UNTIL AUGUST 18, 1987
BECAUSE OF INSUFFICIENT PUBLICATION.

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 4, 1987 at 8:05 p.m. to hear all interested persons regarding: Special Permit application for a non-nuisance industry, a wood working shop at premises located at Raynor Avenue.

8:05 PUBLIC HEARING CANCELLED BECAUSE OF WITHDRAWAL OF APPLICATION.

Robert Dick, 127 Ackerly Street, "Good evening. I live two doors from the house in question. I will fill you in on my quality of life living near this house. In the eight years that we've been there, there has been approximately eleven tenants that we can remember. There have been others in and out but they come and go during the night. You have to understand that the landlord that we have now lives down around the Huntington area. So you can assume what his interest in the maintenance of this house is. Sometimes we forget to pay the garbage bill. So it piles up until one of the crabby neighbors calls the town and some pressure is exerted. Thank you very much. A few years ago this month, the garage burned up and it continues to sit there sagging and waiting to fall. There is a junk car in the yard facing Ackerly Street and it's just a plain constant mess. That's physical. Now let's talk about what is coming in and out of the house. What Jack didn't talk about was there has already been a thriving business in that house with no permit from you people. We had some very enterprising young ladies who had quite an active business in the evening hours that created far more traffic than a doctor's office will. We have a landscaper living there who uses Ackerly Street as his landfill and the Police Department of our town has had to put a stop to that. We've had a motorcycle artist who practices stunts on Ackerly Street. We're talking about the quality of life and we've also had a deranged man there who marched up and down Ackerly Street brandishing a bayonet to the extent where I had my family pack their bags. He has since, thanks to Bob Leonard, been removed and is hospitalized somewhere. I don't understand what the hub-bub is here. We already have a doctor's office on Ackerly Street. We've had a legal two-family house on the other corner that creates parking in the street. There are cars parked there right now. They've been parked there for the eight years that I've lived there and nobody from further up Ackerly Street has ever shyed going out that way because of parked cars. I live on what we call the alley also. The traffic has always been about the same. There's a lot of people that go up and down it as a public street. They have that right. If Dr. Pizzarello is going to come in and dump the bucks that it's going to take to comply with the plans that I've reviewed, I can't help but thank him and I urge you people to approve his application. Thank you."

Supervisor Janoski, "Thank you Mr. Dick. Is there anyone else present who wishes to address the...? Steve."

Steve Haizlip, Calverton, "Sometimes there's a zoning terminology that comes up that I don't understand like non-conforming use and continuous use and now I see they have PB overlay. I'd like to have Mr. Janoski explain that to me."

PUBLIC HEARING Continued

Supervisor Janoski, "PB stands for professional business. An overlay is a type of zoning you can put in place on top of existing zoning. So that this particular type of zoning can be applied for which has been done and is put in place on top of the existing zoning and allow for professional business use of the property such as doctors, lawyers, indian chiefs, professional business. Not retail, not commercial, professional. Architects, engineers, that type of use."

Steve Haizlip, "Well, if you've got residential with professional, then can just stack up on one another. I understand now. Thank you."

Supervisor Janoski, "Thank you. Is there anyone... Vinnie."

Vinnie Ciolino, Roanoke Heights, "I live two houses away from this house and I'm in favor of anyone taking this house over. It's not being maintained and that's my main reason for any change. I also, I don't agree too much with Mr. Harding but as far as the parking is concerned, if you do allow it, please consider the fact that the parking and cars should be kept off the road; Ackerly. Of course we can't have any parking on Roanoke Avenue right now. I don't really think you can prohibit cars. That's one thing we can't do. But if you're going to allow for this type of thing, allow for enough parking on the site and that will eliminate that as far as a concern. If you do not allow this, I don't know what can be done to straighten this house out because obviously the people that own it don't give a d--- about it. I know they live in Smithtown and that garage is burned. It's dangerous. Kids can get in there. They can harm themselves. They really don't care about the site or much less care about Riverhead. So in your consideration in the event you deny the right for the doctor to take over this site, please try to come up with some idea to get these people to do something about this property and maintain it. It's in disrepair. I also would like to talk about the fact that he's asking for the department upstairs which I think in Riverhead, a lot of young people they need a place to live. They need an apartment. I don't think we allowed multiple uses in Riverhead. Is this a commercial piece or property now? It's not business at all? It's just a home residence?"

Supervisor Janoski, "Residence."

Vinnie Ciolino, "Ok. Well, there isn't much of that going on. I don't know of any being allowed but I would sure hate to see an apartment be (let's say) gotten rid of. People need places to live and I think we've got to start considering that today although we have to live with the fact that the tenants and they park their cars and that sort of thing. Maybe the fact that there is a professional business downstairs, you can allow for parking for the tenants and that would eliminate the situation. And plus, since it is a professional site, the person running it is more inclined to concern himself with this abandoned car or how the place is kept. So it's again, I live down the street. You know the whole story. One other thing, if I can, I don't know if I mentioned it about the Dunkin Donuts parking lot there. Again, that guy doesn't give a d--- either and I'm sure John would be up there screaming as much as he could but it would appear that he was being biased

PUBLIC HEARING ContinuedVinnie Ciolino, Continued

against the man but then don't take care of that place. Right now the papers may be picked up be it's overgrown. You can't see the curbing. You can't walk on the sidewalk. It just looks horrendous. A multiple of people are coming through Riverhead in that way and they're stopping by for some donuts. Does this guy own the property next door where the Waldbaums is?"

Supervisor Janoski, "No."

Vinnie Ciolino, "Ok. Well, in the event that something can be done about this, another complaint registered toward him that he can straighten it out. Again, I'm in favor of the doctor and the allowing him to have and keep the apartment upstairs. Let's see if we can get that straightened out. Thank you very much."

Supervisor Janoski, "Thank you Vinnie. Is there anyone else remaining who wishes to.....? Yes sir. Mr. Tooker."

Mark Tooker, Colonial Drive, "I grew up in the house on the northeast corner which Mr. Harding refers to with the terrible parking problem. And it's my recollection that in the house in question now on the southeast corner, that was a dentist's office for many years with an apartment above that before it has taken on these other interesting uses. I think that has been there before. So this is probably some type of a pre-existing use."

Supervisor Janoski, "Thank you. Is there anyone else remaining who wishes to address the Board on the matter of this application?"

Pete Danowski, "I would just like to submit rather than read a letter from Colin Campbell who is one of the neighbors who has supported this application, and makes this letter part of the record. I would also indicate that I gave Mr. Harding a copy of the site plan that shows seven parking places."

Supervisor Janoski, "Do you want to give that to the clerk? Do you wish to be recognized? You have to tell us who you are and where you live."

Nora Durska, Riverhead, "I would like to say that Dr. Pizzarello is one of the finest opthomologists on the whole East End of Long Island that has helped so many people and I'm sure that he would have a fine place and be an asset to the Town of Riverhead."

Supervisor Janoski, "Thank you Nora. Is there anyone else who wishes to address the Board on this application? That being the case and without objection, I declare the hearing closed."

7:45 PUBLIC HEARING CLOSED AT 8:10

Supervisor Janoski, "And the timing is perfect because the record should reflect that the hour of 8:10 p.m. has arrived and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:10 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 4, 1987 at 8:10 p.m. to hear all interested persons regarding: The Proposed Adoption of a Local Law entitled "Motor Vehicle Raceway Regulations."

Richard Ehlers, "The proposal before the Board this evening is to consider regulations for motor vehicle raceways in the Town of Riverhead. Primarily, the regulations would provide for racing only on Wednesday and Saturday evening in the months of May, June, July, August and September, not to exceed 26 races in total; 26 days of racing in total during the hours of four in the afternoon until 10:45. With no race.... You just have to let me advise what the hearing is so that everyone in the room can understand what will be addressed. The proposal is that no race be permitted to start after 10:45 and that is the summary of the ordinance as proposed."

Supervisor Janoski, "Ok. Let me point out that the purpose of this public hearing of course, is to get input for the consideration of the Town Board on this proposal. And of course, in our deliberation, we will consider the opinions of the citizens expressed this evening. This is an opportunity for you to tell the Town Board how you feel about the proposal, to suggest some changes that you think might be in order, to express your opinion as to whether it's a good idea or a bad idea and briefly tell us why. This, of course, is a public hearing that is in a controversial area and I would caution those individuals who wish to speak, that they should address their comments to the members of the Town Board. This is not an opportunity to enter into a debate with members of the audience. And quite honestly, I hope that we would all conduct ourselves in the proper fashion. We do have a five minute rule as I expect a number of people who will try to adhere to that. So I will now open up the hearing and recognize anyone who wishes to be heard. Yes sir."

Jim Schaeffer, Sweezy Avenue, "I have lived in Riverhead all of my life. I'm here tonight to let the Town Board know that I support Riverhead Raceway and I am opposed to the creation of new laws for the benefit of a few people. I do not support any plan by the Town Board to limit the hours, days or months of operation of Riverhead Raceway. I also do not support any plan for a noise ordinance in the Town of Riverhead. Riverhead Raceway has been part of this community for over 30 years and pre-existed the surrounding mobile home park. However, I feel that the Town Board wishes to develop laws that will hurt the raceway and I think this is wrong. It amazes me that the Town Board still allows mobile home parks to be built near the raceway and then wants to punish the track because a few of the neighbors are complaining. Riverhead Raceway is one of the few forms of entertainment in Riverhead

PUBLIC HEARING ContinuedJim Schaeffer, Continued

that both children and adults can enjoy together. It is family entertainment for the people of Riverhead. Let us enjoy our sport without the unnecessary proposed laws. Thank you."

Supervisor Janoski, "Thank you. As this is a legal proceeding, it is necessary that you identify yourself by name and give your address. Yes sir."

Joseph Sykora, Glenwood Park, "Before I say anything about the rules and regulations about racetracks, I would like to make a short statement regarding the advertisement in the News Review about saving the racetrack. Nobody is trying to have the race-track closed down. What we are looking for is a way to be good neighbors. We feel that being good neighbors works both ways. And so far, the raceway hasn't seemed to make any effort at all to live with the people around them peacefully. Some rules and regulations are a good start. Why be against it if the operation is run right? We aren't against any business, including race-tracks. But no business we know of is permitted to infringe upon the rights of citizens. The law proposed for the operation of motor vehicle raceways is a good one. I would like to see the 11:00 o'clock curfew included. That means no operation of vehicles after 11:00 p.m. Without any existing rules and regulations, citizens and the Police Department have nothing to work with. People who call the Police Department are told that they can't do anything even after the races are over because there are no rules. Some drivers work on their cars, run them up and even yell or swear so loud they can be heard from distances away. There have been times when firecrackers have been set off. Mr. Cromarty made a statement in the papers that he does not have control over the drivers. Well, then, the town should at least to protect its citizens. Thank you."

Supervisor Janoski, "Thank you."

Jason Kwasna, Jamesport, "My uncle who everybody knows, he drives a modified at Riverhead Raceway. Back in the 1960's, my grandfather raced at the track. Something that I would like to keep the tradition going and race at Riverhead Raceway. My friends and I enjoy the races. Please don't do anything to change this. Thank you."

Frank Herbig, Riverhead, "I live in this bad place of mobile homes. A terrible place. I have lived in the Town of Riverhead for 25 years. Now, years ago these people use to get into this raceway morning, noon and night and I'm getting a hold of the Police Department time and time again and finally they said; let's see what this is all about. We went up there about 1:00 o'clock one Sunday afternoon and I waited in the squad car. The squad car said that some of them are in there racing. So he went over and what they did was they broke the gate open and started to race. So I said; they broke in. Isn't that a violation of the law. Do you own the property? I said no. He said; then well you can't bring the charges against them. Well, gee, that's all right. I hollered

PUBLIC HEARING ContinuedFrank Herbig, Continued

and hollered. They put a substantial gate there. Now we understand that everybody likes to enjoy their thing. I love fishing. But when they bother me, this is my objection. Now, this young boy says he enjoys this. He's the main section of the Daily News trying to keep his hearing. He got two coca cola cans to drown out the noise of these autos that are supposed to have mufflers on them. I'm 81 years old and I've got good hearing because I didn't attend these races. Thank you very much."

Fred Rogers, Aquebogue, "Good evening ladies and gentlemen, members of the Town Board. I'm sure most of you know me. I'm just proud to be a citizen of the Town of Riverhead and proud to be standing here in front of you. I'm even more proud to have a Nascar Raceway in our midst. It's a fine place for all the people to have an enjoyment. It's a fine place for younger people to go out and have a head start. It's a fine place for me to enjoy and compete after a long week's work and I'm so proud to be one of us. Thank you very much."

Supervisor Janoski, "Ok. Yes sir." In case you don't realize what I'm doing, I'm going back and forth."

Ed Bachman, Glenwood Park, "I live in Glenwood Park which is a very nice park, very nice people. It's nice for people to get up here that live in Jamesport, Aquebogue or any place that don't have to hear the noise. That's well and good but we can't even have company on a Saturday night. You can't sit outside your home and have a conversation. And you talk about an 11 o'clock curfew. They go until a quarter of 12 every Saturday. The last race. And they start at 2:30 3 o'clock in the afternoon and reve it up and we have to sit and listen to it. So it's easy for this little boy. He's not going to hear it all day or anyone else who is going to get up and speak who doesn't listen to it. We can't even sit outside our homes. Thank you."

Ian Murphy, Riverhead, "There are very few things to do in Riverhead. There is no bowling alley, no roller rink, no miniature and sometimes there isn't even a movie theatre. But there are the races and I hope there will always be a Riverhead Raceway. I like the races because they are exciting. I like to watch the races because some of my friends fathers race and I like watching those with my friends. Other people enjoy their carnivals and fairs and they come and see their motorheads. So I hope that the neighbors can put up with Riverhead Raceway..Thank you."

Supervisor Janoski, "Thank you."

Brian Egan, Reeves Park, "I would just like to say a few words for the racetrack. I have lived in this town for a long time myself. We've had, like the young man said, roller rinks, movie theatres and everything for the youth has been taken away. Nothing given, everything taken. They've taken everything. We have one thing left for not only old people, young people and kids and everyone is allowed to go. There's no harm done. You take it away and people are go-

PUBLIC HEARING ContinuedBrian Egan, Continued

ing to go out on the streets. They're going to race around the streets. They're going to be everywhere. You take it away but the kids still want to go out afterwards. So they're going to go out around the town. The town will have more problems then they can deal with. You let them stay out past that late time, the people will then go home instead of going out afterwards and raising more trouble. Thank you."

Thomas Seegar, Glenwood, "Nobody wants to shut the racetrack down. I don't think anybody here. All I want is control by you people on the Board, not a slap on the wrist. Give them a curfew. Give them a fair curfew of 11 o'clock. They go over it, it's not a ten dollar fine, fifty dollar fine. They're going to pay that and laugh at you. Put a 500 dollar fine on that and no starting the races and give these people a little comfort in their homes. And mufflers. Nobody is saying they can't run. It's a good outlet like the young people brought up but you have to have regulations. They had regulations in Freeport. You've got to run with mufflers. Islip they had mufflers. Dexter Park, in my old days, they've got to run with mufflers. Now, they say mufflers hurt the cars. That's a bunch of donkey dust because if they all run with mufflers, they all have the same handicap. Am I right or wrong? They can't cry. We just lost three of our better chauffers in the last year and a half; Mr. Jarzombek, Richie Evans and I can't think of the other one. But three of them are top chauffers who were good chauffers and now they're talking about limiting the carburation on the cars. Ok. If they turned around and put the mufflers on, with this so called cry that they wouldn't be able to run as fast, that's why. Run with mufflers and that will slow them down without the carburation problem. Mr. Stark made a point. When that track was there and the mobile park went in, we had 100 horse power, 50 vh, 95 horsepower. Reve them up and you get 200 horsepower. Today, they're running 600 over there with no mufflers. And they stage the race, the last race is a feature. All the modifieds. Run the modifieds earlier and then the jalopies which come with mufflers and they wouldn't be so objectionable at 11 o'clock at night. Thank you."

Stanley Krupski, Calverton, "I've lived in Riverhead township for 41 years. I would like to state my opposition to you and the opponents of the Riverhead Raceway who are try to put down rules and regulations and sound buffers on Riverhead Raceway. These people who are complaining, have moved here from outside Riverhead Town or don't live here year around and lived in a mess up town where they used to live. Now they want to see the same here. I say no way. When they moved into their trailer parks, they were well aware of their neighbor; Riverhead Raceway, lived with it and moved. Isn't that what Grumman's told us residents? You want a noise buffer erected, fine. Let Mr. Stark or the people in the trailer park erect it. After all, Mr. Stark destroyed nature's natural noise buffer when he expanded his trailer park when he tore the trees down. What expertise do you members of the Riverhead Town Board have in the operation of a raceway? None. We are the only operating racetrack on

PUBLIC HEARING ContinuedStanley Krupski, Continued

Long Island; something to be proud of. We want it. Don't destroy it. I think it is also high time for those Board members who have been holding a vendetta against the raceway, call an end to it. Thank you."

Supervisor Janoski, "Mr. Krupski, there's a few things I'd like to correct. You're a little misinformed. One; residents of the mobile park for the main, are year long residents. And this Town Board does not have a vendetta against the operators of that racetrack. If you would like to go through the records of the past three years in our negotiations and discussions with those folks, I would be happy to show it to you and hopefully you would get a different impression of that."

Mary Beth Andresen, Aquebogue, "For many years, I lived on Middle Road in Calverton probably a half of mile from the racetrack. Good evening members of the Town Board, Supervisor Janoski and concerned persons. I am here this evening not to address a noise ordinance or limited racing times persay. But rather to address the more important question that concerns this town. Growth and the problems associated with the increase in population. Ladies and gentlemen, Riverhead Raceway existed long before most of the surrounding developments and neighbors. Riverhead Raceway was a racetrack. Property along Route 58 during the early 50's and early 60's was literally dirt cheap. Especially properties that bordered a dirt sand pit racetrack. These properties were considered unusable at that time. After all, Route 58 was created for our traffic to pass through to our business section. So it's truly a bypass area. Our local families bought up cheap property, pre-existed zoning and created multiple family units occupying small pieces of property. Then charge a fee for the park. And thereby, decreasing the cost per capita. Not a bad idea. However, this property is located next to a raceway. But often, at times when people moved into the area in the Spring and the Fall, the raceway was closed and they were unaware of the existance of the following season. Many of the people moved to this park seeking a small place to putter about in their solitude now that they have left the bustle in the city. Even though the track only operates on limited days, the people there have nothing much more to do then concern themselves with the racetrack. Ladies and gentlemen, excuse me. I was being polite to you. They're being rude. Ladies and gentlemen, many of the people in this Board room even a few members on the Board, have lived in this Riverhead County for many years. We have lived here before Waldbaums, before Hess Gas, before Suffolk Life on Route 58 and that's even before Stark's trailer park. And many of us have a lifestyle different from the mass insects of people moving to our area. I feel that we, as a community, bend and create laws for the newcomers of our community, our allegiance to the backbone will be lost. The new growth to this area came with increased populous demands, increased taxes. And of course, many politicians have been looking forward to increased revenue potential. However, our original quality of life with additional people moving to this area, will be strained. Our town is unique in the U.S. We have a rural community, our suburbs, our business areas, and yes even our ghetto. If we start arbitrarily making laws to protect the influx of many new voices I would certainly question the pockets or posters of the politicians. Our community

PUBLIC HEARING ContinuedMary Beth Andresen, Continued

will suffer greatly if laws are created for the subdivision masses without duly regard for the originals of this town. Those of us in the farming agricultural committee, know only too well, that if laws like this are proposed, it will only be a short time before laws will be created but will severely change our lifestyles. By shutting down of the raceway when many people moved to the agricultural community, it will only be a short time before laws are proposed to curtail helicopter flying, irrigation motors. And once again, many members of our community will be on the agenda of the Town Hall. I urge you Town Board members move weigh with great discretion, the loudness of the newcomers voices. And I hereby state at this time, no laws restricting that track. It was here before them and hopefully it will be here after all of us. Thank you."

Mrs. Sykora, Glenwood, "The lady before me was talking about all different types of things that we should leave the racetrack the way it is. What's going to happen when the new condos, the new homes that will be coming into this area and will be moving around that will be able to hear the noise that will be coming from that racetrack? I have been going... It will start again but there will have to be a ruling that there will have to be a control put on the racetrack. We don't like to see it. We are not really against the racetrack drivers but we would like them to try and work with us to find a way of compromising so that we can get some kind of a solution to resolve this thing. And I think the only way that this can be done, is that you, sitting on the Board, will have to help us to control this and get a solution for us. I thank you."

Supervisor Janoski, "Thank you."

Jack Bagshaw, Jamesport, "I was born in this town, brought up here. I still reside here and I have my business here and all plans are; I will probably live the rest of my days in this town. So I am concerned about this town. I'm also concerned about the raceway. As you well know, the raceway has been here a long time. And even though the raceway was put in long before zoning, I think the raceway is in the right spot. That property that the raceway is on, is zoned industrial. And unless my zoning map that I bought in Riverhead Town is wrong, the property that Glenwood mobile home park is on, is zoned industrial. It's not as if this track came in and was put in Baiting Hollow or Wading River and surrounded by residential "A" or residential "B" property. It is industrial property. All the surrounding property is industrial. Maybe the town does need a noise ordinance. I'm not sure. Possibly to prevent problems in the future, we do need a noise ordinance. If it is enacted, and I ask the Town Board to look at it seriously, study it well. And if it is enacted, I think the raceway should be exempt from it under what is commonly called a grandfather clause. Thank you."

Supervisor Janoski, "Thank you Jack."

Molly Salter, "As I was listening to the problems that people were bringing up the fact of mobile homes, mobile homes, mobile homes, and outsiders. I kind of resent being considered an outsider after being here for forty years and I feel that I'm an asset to the community. My feeling is this. On Saturday, when I came out of mass

PUBLIC HEARING ContinuedMolly Salter, Continued

from the church on Roanoke Avenue, I could hear the racetrack all the way down there. That's not a mobile park and I'm not a senior citizen. And as far as the comment; this might be good for children. I've taken my son to the racetrack and I like the races. But that's where I like to hear them. When I'm there. Not at home, not in my backyard. I have to shut my windows, shut my doors, turn my t.v. up real loud that it literally hurts my ears. I'm not even next to the racetrack. There are many, many things in this town for youngsters. We have roller skates, we have a lot of things for them to do. But I do enjoy the races and there are ball games at Stotsky Park. I'm just saying that it's not only on Saturday. We don't want the people that drive the cars to think that we're against them. We're not. What we'd like to do to solve this problem, it's not just mobile home residents, it's not people who have just moved in, it is people that are assets. And with growth, comes change. We know it's very hard for people to accept change but there has to be something done because this town is growing. This town is changing. That's a great thing. It's not a bad thing. We want to keep the racetrack but we want to keep everybody happy. Thank you."

Supervisor Janoski, "Thank you. Yes ma'am."

Diana McCuska, E. Quogue, "I also work at Riverhead Raceway and I attended the last meeting here and I will say the same thing again. The people in the trailer park are complaining about the noise but let them come to the track, let them walk through the grandstands and let them see the kids, babies in the arms of their parents that are sound asleep. Now, I really don't think that there is such a noise element that these kids would be able to sleep in the arms of their parents. And after the races...."

Supervisor Janoski, "Excuse me. Ladies and gentlemen, please."

Diana McCuska, "After the races are over and the families of the teams (the race car teams) come into the pits, these children are asleep in the pits, in the trucks and the cars and are never once disturbed by the so called noise that the people in the trailer park are complaining about."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to be heard? Yes."

Shirley Densieski, Riverhead, "Now, I'm interested in the noise ordinance too but is it primarily for the racetrack. Where do you draw the line. I live on the water and somebody says noisy boat, does that include me? I live near a football field. They play football. Does that mean they won't be able to use the loud speakers. I live near a church. The church bells, they don't offend me but they might offend my neighbor. Where are you going to stop with this noise ordinance?"

PUBLIC HEARING Continued

Richard Ehlers, "Excuse me. The hearing tonight is just on the hours of operation of the raceway."

Shirley Densieski, "I thought we were here for a noise ordinance."

Richard Ehlers, "No. That's not on tonight. Tonight's hearing is on the hours of operation of the raceway."

Supervisor Janoski, "Quite honestly, what basically exists is an informal agreement. Our final purpose which is to develop an orderly system of rules governing the operation of the motor vehicle raceway within the Town of Riverhead. We are defining what a raceway is and that's when motorized vehicles are competing. Then we talk about the hours of operation which deal with 4 p.m. through 10:45. No race starting later than 10:45 p.m. during the months of May, June, July, August, September and not to exceed 26 evenings. And we do have a penalty for offenses which is in fact, 500 dollars. That is the subject of this hearing tonight."

Shirley Densieski, "Well it was so noisy back there that I didn't know what the subject was. I'm sorry."

Daniel Robertson, Riverhead, "I would like to ask the Board a couple of things here. One; auto racing you consider a sport. Now, you're talking 26 weeks. I'm against that. Reason; April is when the season starts. We're only talking about three or four nights a week. Now, the first six weeks or so of the season, people don't have the windows open anyway because it's cold and why they're protesting that I don't know. Secondly; if you're going to start limiting auto sports which is a sport, what's next on your list. Then you're going to have to go to Stotsky Park and limit the baseball because that is a sport. You're taking the auto sports and condemning that but you're supporting other sports. About you're closing the track, I listened to some people about the time the track runs to. In the past two months, only two nights has the race went over 11 o'clock. Other nights it has been finished. Two nights it has run over. One night, a truck hit a pole on 58. The lights went out for over an hour and a half. That's the reason it went over that night. Another night it went over a bit because one ambulance broke down and the other took a spectator to the hospital. And it is a law in New York that an ambulance has to be there or no race can be run. Now, in regards to the noise at the track; people in Islip went on about that also. They closed the track down. What is it now. There is a cookie factor there today. Now you've got trucks that are now running and they're complaining the roads are getting broken up. Another thing I listened to was a gentleman who went on about cars that were (Inaudible) I would like to stress again, I am against the 26 nights a year. I think this should be considered a sport. If they're going to limit an auto sport, then you're going to put a limit on the baseball or any other sport in the town. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to be heard? Way in the back."

PUBLIC HEARING Continued

Charlie Cohan, Shirley, "I enjoy the races. I thought I was allowed to speak too because I enjoy the track, I do go to the track and I have business at the track also. I live by airport in Shirley. So this means that I can get this limited from 11 o'clock on, they should stop flying planes over the house? I mean, this is not right. People live by highways. They have noise. People live by airports. They have noise. The track has been there for approximately 30 years or better. And the 30 years that it's been there, there have been no problems whatsoever. I think the people next door and the trailer camp should be here to hear what's going on. I took a ride last Saturday night around to the trailer camp on the outside of the fence and I listened and I'll tell you about the noise. The noise I heard and this is when the modifieds were racing, it was not that bad."

Supervisor Janoski, "Ladies and gentlemen, please allow the speakers to speak. Please."

Charlie Cohan, "The noise that was coming out of the track was the same that you hear on the L.I.E. People live by the L.I.E., they live by airports and I live by a lot of other things, construction going on and different things and that means that everything should stop at a halt at 11 o'clock at night. Planes and everything. It's not right. I think the track should be left alone. Thank you."

Supervisor Janoski, "Thank you. I can't recognize you again until everyone who wants to speak has spoken and then I can come back to you. Yes ma'am."

Betty Bonczyski, Calverton, "I've lived in Millbrook Park for ten years. On Saturday, every other weekend, I would like to be able to sit in my yard with my family and enjoy my family. Inaudible..... I can not listen to t.v. I can not do anything in my yard when these races are going. The people here, yes, they do run a racetrack. The timing is wrong. And was said before, things do change and there are people living there and they're not real old, they're young, they have children. There are some senior citizens, yes. I work five nights a week and I want one night in my home and I can enjoy it, my family. I want it to sit outside in my yard and I can talk to my friends and neighbors. You can't do it. You've got to do something about this. The Town Board has got to do something about it."

Supervisor Janoski, "Thank you ma'am."

Mark Tooker, Aquebogue, "As I'm sure the members of the Town Board are aware, I'm not sure about some of the members of the audience, I come from a family with deep roots in Riverhead. I was educated in our schools here. I've made my home here. I have established my business here and I intend to spend the rest of my life here. I have also chosen a local facility for the pursuit of my leisure time activities. I remember the visits to Riverhead Raceway in the early 60's with my parents. I remember the visits in the 70's with my father dropping me off and picking me up after the races. I remember the car loads of friends that went with me after I got my driver's license. The point is, that there are many nights that I could have been out on the streets but fortunately, I had a place to be. Several years later I became involved with the sport working as part of a pit

PUBLIC HEARING ContinuedMark Tooker, Continued

crew resulting in more nights off the street. Now, many years later, where are my children? They're with me at the track on Saturday nights during the season and they're working in the garage with me on my race car. They're home under my supervision. They're not out on the streets. Where is my wife? She's bringing my children's friends to the racetrack also so they can enjoy themselves. The result; more children off the street. What kind of people go to the racetrack? I can think right off, of a school principal, a teacher, police officers, hardly a crowd of trouble makers. Mixed in with these are many families of small children. And even though I'll probably hear a few cheers, they do sleep there and I remember sleeping there when I was a youngster also. There aren't too many places in Riverhead where you can come for a good night's entertainment. Also, I don't think some of my Glenwood residents here would admit it, but there are quite a few senior citizens there enjoying themselves and bringing their grandchildren also. How many other places in our town can you go with youngsters and senior citizens alike. Glenwood and the racetrack are neighbors like it or not. Even though the racetrack was here first. The fact is, we, all of Riverhead Town people, have to coexist in this town. And unfortunately, maybe we will have to come up with some regulations. My request to you, as the Board, is to give a lot of thought and come up with something reasonable. As a business person, and I am in a seasonal business, I'm sure that the Cromarty's do have a problem making ends meet on such a limited schedule. We're talking about that number of nights. I know that my business couldn't exist on that number of nights. So please, give it some consideration. My main desire is, we just don't want to see the racetrack close. If we can come up with some sort of workable solution, it would benefit all of all us. Thank you."

Supervisor Janoski, "Thank you. Yes sir."

Bernie Hahn, Glenwood, "We don't want to see the racetrack closed. We don't have anything to do with that. There's a lot of people that work in that track. They're good people. They work all week and they come on a Saturday night for some pleasure. Fine. That's very good. But let them cut out the noise. They can race as many times as they want. That's the only thing that we want. We don't want to close it down. Just close down the noise and we'll all be happy. Thank you."

Supervisor Janoski, "Thank you."

Ingrid Goodale, West Main Street, "For years I have lived in Suffolk and Suffolk is a very quiet town, many senior citizens. But during the summer it's a very different town. There's a lot of noise. It's not unusual for a town to get more noise in the summer. In the racetrack, I work in the pits on a race car, a modified and the noise in the pits is just like what you hear around the town. And I can sit there comfortably and have a conversation with somebody. I don't see why these people are complaining about noise. It's not that noisy and I'm in the pits. I'm right there. Maybe you guys could come turn down your hearing aids. I don't mean to criticize you but the noise

PUBLIC HEARING ContinuedIngrid Goodale, Continued

is really nothing left to do. In fact, I know there's nothing to do. We're miles from everybody. Give the kids the chance to do something. Don't take it away from us. We need it. Thank you."

Supervisor Janoski, "Thank you. Let me just caution you that that kind of remark is inflammatory and escalate during the evening and we'll have a debate back and forth. This is a public hearing. We have a subject before us which is a proposed regulation and that is what I would like the members of the audience to address. Whether you're for or against it and tell us why. Yes sir."

Richard Webb, Fishel Avenue, "The Town Board had a problem here and they need a solution. The people that live in Stark's trailer park have a problem. They want a solution. The problem is this; when Mr. Stark offered these people mobile homes at his price. And he, sure as h---, didn't tell them there was a racetrack there. Those people had no recourse once they brought their property. Some of them are living on retired income, some are retired politicians, widows, widowers. And the Town of Riverhead, not the Town of Riverhead, but you as the politicians of the Town of Riverhead, have got to find a solution. I think that the solution should be now that Mr. Stark has made all of his money, the future people in real estate on Route 58 would also double their profits. I'm sure the racetrack, the Town of Riverhead or no one else would mind if Mr. Stark dug in his pockets and put out the money for a noise barrier. Thank you."

Steve Haizlip, "I want to follow along on Mr. Webb's line there. This racetrack has been here since 1950 and it's operating under public law number 262 which allows it to stay there. Now it is enforcing it. But the people that's living there now, which at one time they were probably into races themselves and other sports that have noise. But now they're getting a little older, like myself, around 65, then they come and they want to retire and then they want the noise to subside. When Mr. Stark was promoting this here park, he didn't... He got a law passed that he could extend by 50%. So in goes 50 trailers, in goes 75, in goes 100 and he just kept on mushrooming until they came right up onto the back lot. Now, I have been heard it tell that he can't operate the office on Saturday because the raceway was running and he didn't want anybody to know that the raceway was there. So now, he should have told these people that the racetrack was there and there will be noise. So they go in there and the noise develops. So now they're yelling about it and want to kill the sport. Now, you are in a position that you've got to try to resolve this. But like Mr. Webb said, Mr. Stark has made plenty of money and he's put these mobile homes right up to that track. Now I believe he should get the money out of his pocket and let's get a barrier up there and try to subside that noise for them."

Supervisor Janoski, "Is there anyone else who wishes to be heard on this subject? I see an arm there in the back."

PUBLIC HEARING Continued

Ken Scow, "Some of you know me. I'm former promoter and director of the Riverhead Raceway. Auto racing on Long Island has been a great tradition for many years. There has been 28 racetrack at one time or another on Long Island. There's only one left. In Riverhead, whether it be at the old fair grounds or at the raceways, many many famous people have been there. Whether it be Bernie Olfield, Pete DiPollo, Wally Dombeck of recent Indianapolis fame and even Mario Andrettie. It's one of the only if not the only professional sport in the County of Suffolk. I think I've said enough."

Supervisor Janoski, "Thank you."

Susan Kwasna, Jamesport, "I have been going to the races all my life and I know the Town and the owners of the racetrack have an oral agreement to stop at 11 o'clock but accidents do happen beyond the control of racetrack owners. And when charging ten dollars a person to see a certain amount of races, you are obligated to give the public what they are paying for. I hope the town and everybody can come up with a solution that will make everybody happy."

Supervisor Janoski, "I think there's a number of us up here that would like to do that."

Ed Purcell, East Main Street, "I've been speaking on this subject probably for 6, 8, ten years. Every few years, every couple of years just about this time, you come up with something. Whether it's a noise ordinance or now track regulations. We had the regulations about two years ago about this time of year. It seems to me that there's a lot of things that could be done to help the situation. And a lot of these things would happen if you would try to work out the solution not this time of the year when elections are coming up, when there's a lot of pressure to put the law into effect to satisfy the electorate. Now, I personally, am against the regulations as they are written. There is nothing taken into consideration when it concerns the rainouts. Now, there are certain times when you have certain races (say on a Wednesday night) with certain rainouts. Certain rainouts are for diversity. Because you have people that come to the track from all over the northeast and you can't just put it off until Saturday night because they have someplace else to race on Saturday night. Now, there's nothing in the regulations that would concern that. Also, the Wednesday night show is not something that the local people have stated; we want Wednesday night. It has come down from Nascar which is national association which most people know who they are. Now, they said that they want it. Right now they said Wednesday night. Maybe you'll find out that Friday nights would be more acceptable. Maybe Tuesday nights would be more acceptable. By putting a specific night and specific 26 shows where there is rainouts, rainouts may not count. Now, how are we going to put that in? Now that hasn't been addressed in it. A large part of the problem between the racetrack, say ten years ago, there wasn't that much noise and it was already brought up. The fact that the Starks have cut down so many trees which are a natural buffer. And since they cut down the trees to expand that park, they should be liable to put up the noise buffer which they have cut down. The racetrack

PUBLIC HEARING ContinuedEd Purcell, Continued

didn't cut down the buffer. The trailer park, I should say mobile home park cut down the buffer. So it seems like there is more noise. At this time, all the cars at the track are supposed to be muffled. Now there may be a few that aren't and there probably should be better inspections of that to make sure that everybody does have a muffler and that is something that could be addressed. There should be a closer watch on that. But basically, the reason why anybody who had been in the mobile park for ten years can hear it more now than they did is because the park has expanded and they have just cut down all the trees. And if you don't have something to absorb the noise, it reflects it. Mobile homes reflect the noise rather than trees that absorb it. So it sounds a lot worse than it is. Also they say well, 30 years ago they had a 100 horsepower motors. Now, we've been using... Well I haven't but the track has been running cars which 600 horsepower motors since (I would say) the early 60's, middle 60's, late 60's and that is almost 20 years now. And it's only been within the past six or eight years since the mobile home park has expanded to such an extent that there has really been any problem with the racetrack. Of course you have to understand that with expansion, with progress, you have to do some changing. There have been changes. No longer are people allowed to rent the track during the week. Up until when the Cromarty's took over, the different promoters allowed, because there isn't anything even now stating that they can't, they did allow different automobiles to go ahead and rent the track. Many tracks in the northeast do rent the track out to people to test tires, setup the car. The big tire companies, if they want to test the track, there's a certain time they can sell there. The track does not allow that because they're trying to be good neighbors. Now, back ten fifteen years ago, they did it. And a lot of these people in the mobile home parks, don't understand what they use to do. There has been restrictions. They have restricted some of the actions. But I understand that they want it quiet. Well, if you want it quieter, as they said, the Starks has made a lot of money out of those parks which is all good and well. I'm glad to see them make money. I'd like to make half of the money he did. But they should, when they have a problem they create, they should go ahead and they should address it. And I would also like to know if, when drawing up these regulations, have you inquired of any other municipalities that have auto racing tracks? There are a lot of other tracks in the northeast. And I would imagine, I don't know off hand, that they do have certain regulations that they make the track adhere to and to keep things running smoothly between the neighbors and the track. And I would think that it would be to your advantage, whether it be against the races or against the mobile home park, to inquire of different municipalities and see how they deal with the problem of noise. That would probably go a long way, as you said, you would like to solve the problem. That would go a long way in solving the problem and keeping Riverhead Raceway very active and vibrant. And putting the blame on somebody else as this is how they solve the problem, well, let's try it. And I don't believe personally, that that has been done. I feel that would be a way to solve the problem. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Anyone else wish to address the Board on this proposal?"

Joseph Sykora, "There's one thing I'd like to clear up. Mr. Stark has nothing to do with this. Cross my heart, hope to die, he does not. He does not have anything to do with it. As far as Mr. Stark expanding the mobile home, or mobile park, he did not expand it towards the raceway. He expanded towards Mill Road. We have 800 foot of woods between the park and the raceway. Now, if I can get a decibel reading of 90 anywhere in Glenwood Park, that track is noisy."

Supervisor Janoski, "Thank you."

Shawn Egan, Riverhead, "I would just like to know if that decibel reading is from Grummans or from the racetrack? Because Grummans is just as loud."

Supervisor Janoski, "I'm not going to allow a debate to take place."

Shawn Egan, "It is just as loud if not louder than the race-track."

Supervisor Janoski, "Ok. Thank you. That's a good point."

Frank Herbig, "You know, the way these people talk about trailer parks and mobile homes, some of our homes is worth twice as much as their homes. They're thirty and eighty thousand dollars they're selling for there. Let me say this. Now, that race-track was closed down for two years. And any business that's closed down for one year, loses their privileges. Is that right? So over two years, now there's a new owner. I was wondering why after them closing for three years they got permission after the permission was taken away from them two years ago. Now let me tell you, you know this. That mobile park is the fifth highest payer in this town. Thank you."

Supervisor Janoski, "You're number six. You dropped down a point but it's still a pretty large tax payment. Yes sir."

Anthony Cresci, Glenwood, "Nuts to the gentleman who said about the 90 decibels. I was with Joe when he took them and they were 90 decibels and they were 90 decibels. Now, one guy comes up here says, I love the racetrack, I take my kids. When he moves out of Riverhead, he moves to Aquebogue. He doesn't buy nothing in Riverhead. I don't know for what reason. She's in the pits there, she hears noises, it doesn't bother her. Come around on a Saturday, come in my house when the racetrack is on and you'll find out what I have to do; close the windows, put on the t.v. loud. I'm lucky. When it's hot, I have no air conditioning, I had to leave the windows open. I'm sunk. I've got to get in the car, go down to Smithhaven so I can enjoy two or three hours. I love the racetrack but I also love my living. And the gentleman come up before. What the heck was that street down there? Roanoke and something about the living and the way he lives and all that. Look at the way we have to live here. Twice

PUBLIC HEARING ContinuedAnthony Cresci, Continued

a week we have to submerge and go underneath because the racetrack wants to run. And I say this, if this Board does put out fees, publish rules and regulations, then you've got to have the implementation. Somebody has got to be there to make sure these rules are observed. Because many a time I've called up the Police Department. We can't do nothing about it. Call up Janoski. That's what they told me. We're not somebody that has force."

Supervisor Janoski, "I'll have to talk to them about that."

Anthony Cresci, "Well, you talk to them and I'll attest to it. And if you're going to have these rules, and the important thing is the implementation, not rules and all that. They don't mean a thing. They're on paper. Somebody there with the law behind them to make sure that these rules are obeyed. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on this subject? That being the case and without objection, I declare.... Yes ma'am."

Christine Barczak Reichel, "My family has lived on the corner of Kroemer Avenue and Route 58 since before the racetrack was there. We have learned to live with the noise of the raceway and it is not that over powering. My mother still lives there and she is able to go about life without it bothering her. I lived for years, I mean I could go to sleep. It didn't bother me. The only time it ever bothered me was if they had fireworks and the big booms. There is really not much left for kids to do in this town and you can't take the races away it's very hard to try and limit the time limit they can run. As they said, if there accidents, it has to go longer. And I just hope that you do work out some kind of situation. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else wishing to address the Board? Yes sir."

Russell Babis, Roanoke Avenue, "I just wanted to say that I'm against the regulations limiting the number of days the track races. It should be open to run on Sundays. They have special shows that they do run on Sundays. They do have races which are pretty quiet and it gives people a chance to get involved in auto racing. Plus, I just wanted to say that the Glenwood Park, I believe is in the heart of an industrial area of the town which you yourself (I believe) tried to promote for industry to come into that end of town. And if you're looking for a place to live, I would think that you would check out the zoning around where you're going to live so you know what you are up against. So I just wanted to bring it to light that I believe a few months bac, an area adjacent to or close to the speedway was designated for the landfill, the burning of the garage or whatever they were going to have."

Supervisor Janoski, "Yes. You're right. That is one of the sites that was discussed. It did not finish as a high selection area but there was site there. That was a site decided by a group of citizens ma'am and not this Town Board who worked very deligently to try to make a recommendation to this Town Board and that area was not con-

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

sidered as a very high possibility. Thank you. I'm sorry."

Russell Babis, "I just wanted to add that the racetrack is also near the Long Island Railroad which has crossings on Mill Road which is..... The railroad tracks are very close to Glenwood Village and the raceway. Plus, there is also (I believe) property for sale in between the raceway and Glenwood Village, industrial property. There is a good chance that that property would be sold to a manufacturing company that would operate 24 hours a day, machines stamping out some kind of product. These are just some things I'd like to bring to light and that I was against the restricting of the days of the operation of the track. I believe that it should continue as it has. It is a seasonal thing as it is right now. Thank you."

Supervisor Janoski, "Thank you sir. Yes."

Bruce Sandford, Woodjull Avenue, "I work in Riverhead. I grew up in Riverhead, went to school in Riverhead and attended the track. I've been involved in racing for 35 years. A couple of things the gentleman said before, I disagree. You gentlemen can correct me. I don't believe the track was ever closed down in the history of the track. I could be wrong. I could be wrong. There was a law, a rule for a permit that if it ran so many races, the permit would be renewed. If they didn't run that number of races, they lose their permit. I think that's correct. I've been here 47 years and I've attended almost every race. Another item was; I believe the gentleman said, that he has to put up with two nights of racing every week. That is incorrect. I believe there was only four Wednesday night shows this year and I believe there's only one or two Sunday shows. So I want to correct that also. I agree that there is possible a problem and it has to be worked out to maybe whatever extent. But also I disagree with the proposal that you have presented and the limiting to 26 races. Like the gentleman said, you have rainouts, you have other circumstances that should be allowed for. Thank you."

Supervisor Janoski, "Thank you."

TAPE RECORDER MALFUNCTIONED - FOLLOWING STATEMENTS ARE NOT VERBATIM

Stanley Krupski, Again questions the proposed rules and regulations as being too stringent and would prohibit the operation of the raceway.

Councilman Prusinowski, Read from statements made at 1985 public hearing. He said that proposals were not "pie in the sky" and that everyone should work together.

Stanley Krupski, Said that the Town should check with Nascar and their rules before adopting the proposed rules and regulations.

PUBLIC HEARING Continued

Jim & Barbara Cromarty, Owners of Raceway, Expressed their feelings about law. Start with last Saturday in April and end on last weekend in September. The raceway has worked with verbal commitment with the Board. An ambulance broke down Saturday night. They have tried to be the best neighbors. They are running a race-track, not a church. Actually running time this year is about 120 hours. The operation of the track does fight weather conditions. They races may end with 19 or 20 dates from the 26.

Councilman Prusinowski, He said he has spoken with an Islip official. Their airport must divert landings after 11 p.m.. The town is looking for co-operation and it's not just Glenwood but the surrounding community that is affected by the operation of the raceway.

Supervisor Janoski, Thank you. Is there anyone else present who wishes to address the Board on the subject of the proposed rules and regulations for the raceway? That being the case and without objection, I declare the hearing closed.

8:10 PUBLIC HEARING CLOSED AT 9:26

Supervisor Janoski, We had a public hearing scheduled for 8:20 p.m. which we will open at this time. Let the record show that the hour of 9:27 p.m. has arrived. The Town Clerk will please read the notice of public hearing.

PUBLIC HEARING - 8:20 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, August 4, 1987 at 8:20 p.m. to hear all interested persons regarding: The increase and improvements to the Riverhead Public Parking District #1 at an estimated cost of \$1,300,000 an increase of \$470,000 over that previously authorized.

Richard Ehlers, Explains the purpose of the public hearing.

Stanley Hagler, States that he has a business within the district and is a member of the Chamber of Commerce. He was called at 2:30 to addend a meeting at 4 o'clock today that he couldn't attend. Chamber of Commerce was under the impression that the amount was \$830,000 and not it's up to \$1,150,000.

Richard Ehlers, Explains there is a contingency amount. One owner has agreed to the appraisal price and it could proceed within 30 days.

Stanley Hagler, The district wants more parking. Delay the decision until commerce can meet with Town Board to discuss the jump of cost. He understands condemnation amount. Why go to consulting firm? It should be an in-house project.

PUBLIC HEARING Continued

Richard Ehlers, It can't be an in-house project to degree that we don't have a licensed engineer. Young & Young has prepared maps. Taking maps had to be modified, cost went up, paving business is busy and bids were high.

Stanley Hagler, We should sit and review.

Supervisor Janoski, That will be no problem. We don't vote for two weeks.

Councilman Prusinowski, We also had a map that everyone had signed and then they didn't see it.

Stanley Hagler, For parking.

Richard Ehlers, Originally we were going to be charged an amount of 20,000 and 30,000 by L.I.L.C.O. and N.Y. Telephone. And with negotiations, we got that for free. We can give you a set of specifications.

Steve Haizlip, Parking District number 1; is this the area behind Sweezys and Sears.

Richard Ehlers, Yes that is correct.

Supervisor Janoski, Is there anyone else present wishing to be heard on this subject? That being the case and without objection, I declare the hearing closed.

8:10 PUBLIC HEARING CLOSED AT 9:41

Supervisor Janoski, At this time I will declare a recess until the hour of 10 o'clock.

TOWN BOARD MEETING RECESSED AT 9:41

TOWN BOARD MEETING RECONVENED AT 10:05

Supervisor Janoski, The meeting will return to order. At this time I would suggest that we proceed with the resolutions.

THE COMPLETE SET OF RESOLUTIONS AND THE DISCUSSIONS WHICH TOOK PLACE REGARDING THE RESOLUTIONS WILL NOT BE VERBATIM.

8/4/87

RESOLUTIONS#530 TRANSFER OF FUNDS

See Water District Minutes

#531 AUTHORIZES THE ISSUANCE OF \$66,500 SERIAL BONDS AND \$3,500 CAPITAL NOTES RE: PURCHASE OF APPROX. ONE ACRES OF LAND FOR PARKING OF HIGHWAY VEHICLES

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, New York, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the paving of approximately one acre of land for the purpose of providing parking for highway vehicles, on a site to be acquired for the construction of a salt storage facility, in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$66,500 serial bonds of said Town and \$3,500 capital notes of said Town, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$70,000, and the plan for the financing thereof is as follows:

- a) By the issuance of the \$66,500 serial bonds of the Town of Riverhead, Suffolk County, New York, authorized to be issued pursuant to this bond resolution. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board; and
- b) By the issuance of the \$3,500 capital notes of said Town authorized to be issued pursuant to this Bond resolution. Such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

RESOLUTIONS Continued:

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the Chief fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual Appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. The validity of such bonds, capital notes and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in the Riverhead News-Review, together with a notice of the Town Clerk in substantiall the form provided in Section 81.00 of the Local Finance Law.

Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained herein, held on August 4, 1987, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original

8/4/87

RESOLUTIONS Continued:

so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>DATE GIVEN</u>
Riverhead News Review	1/6/87

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

<u>Designated Location(s) of posted notice</u>	<u>Date of Posting</u>
Town Clerk's Bulletin Board	1/6/87

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on August 4, 1987.

Irene J. Pendzick

Town Clerk

(CORPORATE
SEAL)

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#532 AUTHORIZES ISSUANCE OF \$247,000 SERIAL BONDS AND \$13,000 CAPITAL NOTES RE: ACQUISITION OF LAND AND CONSTRUCTION OF SALT STORAGE BARN

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, New York, Suffolk County, New York, as follows:

8/4/87

RESOLUTIONS Continued::

Section 1. For the specific objects or purposes of paying the cost of the acquisition of approximately 4 acres of land and the construction of a salt storage facility thereon in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$247,000 serial bonds of said Town, pursuant to the provisions of the Local Finance Law, and there are hereby authorized to be expended \$13,000 capital notes of said Town for such purposes, which serial bonds and capital notes shall be allocated as follows:

- a) The acquisition of approximately 4 acres of land, at a maximum estimated cost of \$180,000. It is hereby determined that \$171,000 of the serial bonds authorized by this resolution shall be allocated to such specific object or purpose, and that \$9,000 of the capital notes authorized to be issued by this resolution shall be allocated to such specific object or purpose. It is hereby further determined that the plan of financing thereof shall consist of the issuance of said bonds and the issuance of said capital notes. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board. Said capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Finance Law, the proceeds from the sale of said capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.
- b) The construction of a salt storage facility, at a maximum estimated cost of \$80,000. It is hereby determined that \$76,000 of the serial bonds authorized by this resolution shall be allocated to such specific object or purpose, and that \$4,000 of the capital notes authorized to be issued by this resolution shall be allocated to such specific object or purpose. It is hereby further determined that the plan of financing thereof shall consist of the issuance of said bonds and the issuance of said capital notes. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board. Said capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor the chief fiscal officer, in accordance with the Local Finance Law, the proceeds from the sale of said capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

RESOLUTIONS Continued:

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid acquisition of land is thirty years, pursuant to subdivision 21(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the aforesaid salt storage facility is thirty years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the erial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 5. The validity of such bonds, capital notes and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend mone, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 6. Upon this resolution taking effect, the same shall be published in full in Riverhead News-Review, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 7. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

8/4/87

± RESOLUTIONS Continued:

STATE OF NEW YORK)
)ss;
 COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on August 4, 1987, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of the said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR To the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news mediaDate given

Riverhead News Review

1/6/87

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice
Date of Posting

Town Clerk's Bulletin Board

1/6/87

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on August 4, 1987.

Irene Pendzick, Town Clerk

(CORPORATE
 SEAL)

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#533 ADOPTES RESOLUTION RE: AMENDMENT TO SECTION 101-10 OF
THE RIVERHEAD TOWN CODE

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

8/4/87

RESOLUTIONS Continued;

WHEREAS, the Town Clerk was authorized to publish and post a public notice for a Public Hearing to be held on the 21st day of July, 1987, at 7:55 p.m. at the Town Hall for the purposes of hearing all interested persons with regard to amending Section 101-10 of the Riverhead Town Code; and

WHEREAS, all persons wishing to be heard were heard on said date and at said time and place specified and for said purpose stated in said public notice.

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to Section 101-10 of the Riverhead Town Code be and is hereby adopted as follows:

Street	Side	Location
<u>East Main Street</u> <u>N.Y.S. Route 25</u>	<u>North</u>	<u>From the curb cut beginning at a point at the westerly side of the easterly-most entrance/exit driveway of the Riverhead Town Hall to Fishel Avenue.</u>

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News-Review and post same at the Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the New York State Department of Transportation, the Riverhead Police Department and the Riverhead Highway Department.

Dated: Riverhead, New York
August 4, 1987

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*broken lines represents deletions
**underscore represents amendments

The vote, Boschetti, Yes, Pike, Yes, Prusincowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#534 AUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST NOTICE TO BIDDERS RE: DEMOLITION OF SUFFOLK-COUNTY OWNED DILAPIDATED BUILDINGS

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

8/4/87

RESOLUTIONS Continued:

WHEREAS, the County of Suffolk has given permission for the demolition of a certain dilapidated building within the Town of Riverhead, known as Tax Map ID# 0600-126.00-02.00-027.000, located on Franklin Street; and

WHEREAS, a Notice to Bidders was previously advertised and no bids were received; and

WHEREAS the Town Board of the Town of Riverhead desires to readvertise for bids for the demolition.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to republish and repost a Notice to Bidders in the Riverhead News-Review.

NOTICE TO BIDDERS

Sealed bids for the demolition of a certain dilapidated building within the Town of Riverhead, known and designated as Suffolk County Tax Map ID #0600-126.00-02.00-027.000, will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue Riverhead, New York, 11901, until 11:00 A.M. on August 20, 1987, at which time they will be opened and publicly read aloud.

Instructions for bidders, specifications and bid forms may be obtained at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 p.m.

All bids must be submitted on the bid form provided.

Any and all exceptions to the specifications must be listed on a separate sheet bearing the designation "EXCEPTIONS TO SPECIFICATIONS" and attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids if it believes such action to be in the best interest of the Town.

All bids must be submitted in a sealed envelope bearing the designation "SUFFOLK COUNTY DILAPIDATED BUILDING DEMOLITION".

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#535 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDING SECTION 103-8B AND 103-8C OF THE RIVERHEAD TOWN CODE

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending Section 103-8B of the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of August, 1987, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to

8/4/87

RESOLUTIONS Continued:

hear all interested persons with regard to amending Sections 103-8B and 103-8D of the Riverhead Town Code.

Section 103-8B shall be amended as follows:

- B. For every violation of any provision of this Article, the person violating the same shall be subject to a fine of not more than ~~one-hundred-dollars-(\$100-)~~ one thousand dollars (\$1,000.) or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

Section 103-8D shall be amended as follows:

- D. Any person violating this Article shall be subject to a civil penalty enforceable and collectible by the town in the amount of ~~one-hundred-dollars-(\$100-)~~ one thousand dollars (\$1,000.) for each such offense. Such penalty shall be collectible by and in the name of the town for each day that such violation shall continue.

Dated: Riverhead, New York
August 4, 1987.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*broken lines represent deletion(s).
**underscore represents addition(s).

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#536 ESTABLISHES PLANNING DEPARTMENT

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Pike.

WHEREAS, it has been deemed prudent to cause a Planning Department to be established within the structure of Town government.

NOW, THEREFORE, BE IT RESOLVED, by adoption of this resolution shall Planning Department shall be deemed created, and

BE IT FURTHER RESOLVED, that the former offices of Justice Court located within Town Hall shall be allocated for the use and operation of the Planning Department, and

8/4/87

RESOLUTIONS Continued:

BE IT FURTHER RESOLVED, that the operation of the Planning Board, Zoning Board of Appeals, and Conservation Advisory Council shall also be operated out of the offices of the Planning Department, and

BE IT FURTHER RESOLVED, that Richard Hanley, Brenda Filmanski, Suzanne Breitenbach and Jane Stromski shall be assigned to the Planning Department at no change in title or compensation, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Richard Hanley, Brenda Filmanski, Suzanne Breitenbach, Jane Stromski, George Bartunek, Miles Fairley and Patricia Tormey, and

BE IT FURTHER RESOLVED, that an individual to fill the position of Planning Director be sought through the process as stipulated by the Suffolk County Department of Civil Service. However, should said process be exhausted, the Town Clerk be and is hereby authorized to publish and post a Help Wanted Ad for said position which said ad shall be supplied to her.

Before Voting a discussion followed.

Discussion is not verbatim due to malfunction of recorder.

Councilman Boschetti, Asked for discussion on the motion. He said that his position has always been in support of a Planning Department, but that discussion on this resolution was minimal. He said that talks with Town Hall personnel that day raised some questions. He said that discussions regarding a Town Planner went back to November and that to establish the office before appointing a Planner is contrary to the agreement reached. He asked to whom does the Planning Department report. Who controls the Department? What is their goal or function? Who reports to whom? He said that Richard Hanley has indicated he is still on the Civil Service list as a Senior Planner. If he is appointed to the Planning Department, who will run the Community Development Department? He reiterated his support for a Planning Department but that it should be created in the right way.

Councilman Pike, Then said that he has always been a strong proponent to plan ahead. He said that the hearings held tonight were classic examples of incompatibility and the Town is rife with them. He continued that the Planning Department is a concept that brings together ideas for growth. He said that the personnel will continue in the interim, but we must begin. We need the department director. He observed that there are always problems with change and encouraged his colleagues to vote "yes".

Councilman Boschetti, Moved to Table resolution #536 which was seconded by Councilman Lombardi.

RESOLUTIONS ContinuedDISCUSSION CONTINUES

The vote, Boschetti, yes, Pike, no, Prusinowski, no, Lombardi, yes, Janoski, no.

The Motion to Table Resolution #536 was thereupon duly declared DENIED.

Supervisor Janoski, Calls for the vote on resolution #536 as contained on pages 833-834. Each Board member made a brief statement prior to voicing their vote.

The vote, Boschetti, no, Pike, yes, Prusinowski, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

8/4/87

RESOLUTIONS Continued:#537 AUTHORIZES TOWN CLERK TO PUBLISH & POST FOR THE POSITION OF COURT OFFICER

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

WHEREAS, there is a vacancy in the position of Court Officer in the Justice Court of the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead authorizes the Town Clerk to publish a help wanted ad in the News Review and Suffolk Life as follows:

HELP WANTED

The Town of Riverhead is currently seeking an individual for the position of Court Officer in the Justice Court. This individual must be able to work Mondays and possibly Wednesdays. This is a part-time position.

Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications will be accepted, for this position, after August 20, 1987. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age or handicapped status in employment or the provision of service.

BY THE ORDER OF THE RIVERHEAD
TOWN BOARD

IRENE J. PENDZICK
Town Clerk

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#538 ADOPTES LOCAL LAW #3 OF 1987 ENTITLED, "FLOOD DAMAGE PREVENTION"

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

WHEREAS, the Town Clerk was authorized to publish and post a public notice for a Public Hearing to be held on the 7th day of April, 1987, at 8:10 p.m. at the Town Hall for the purposes of hearing all interested persons with regard to adopting Local Law #3 of 1987 entitled, "Flood Damage Prevention"; and

WHEREAS, all persons wishing to be heard were heard on the date and at the time and place specified and for the purpose stated in said public notice.

NOW, THEREFORE, BE IT

RESOLVED, that the adoption of Local Law #3 of 1987 entitled, "Flood Damage Prevention: be and is hereby adopted in the form as filed with the Town Clerk of the Town of Riverhead, 200 Howell Avenue, Riverhead, New York; and be it further

8/4/87

RESOLUTIONS Continued:

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News-Review and post same at the Town Hall; and be it further

RESOLVED, that this local law shall become effective upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendzick, Town Clerk

RESOLUTIONS Continued

FLOOD DAMAGE PREVENTION

Chapter 65
FLOOD DAMAGE PREVENTION

ARTICLE I

Authority; Findings; Purpose

- \$1.1 Findings.
- \$1.2 Statement of purpose.
- \$1.3 Objectives.

ARTICLE II
Definitions

- \$2.1 Definitions.

ARTICLE III
General Provisions

- \$3.1 Lands to which this local law applies.
- \$3.2 Basis for establishing special flood hazard.
- \$3.3 Interpretation, conflict with other lands.
- \$3.4 Severability.
- \$3.5 Penalties for non-compliance.
- \$3.6 Warning and disclaimer of liability.

ARTICLE IV
Administration

- \$4.1 Designation of local administrator.
- \$4.2 Establishment of development permit.
- \$4.2-1 Application stage.
- \$4.2-2 Construction stage.
- \$4.3 Duties and responsibilities of local administrator.
- \$4.3-1 Permit application review.
- \$4.3-2 Use of other base flood data.
- \$4.3-3 Information to be obtained and maintained.
- \$4.3-4 Alteration of watercourses.
- \$4.3-5 Interpretation of firm boundaries.
- \$4.3-6 Stop work orders.
- \$4.3-7 Inspections.
- \$4.3-8 Certificate of compliance.

ARTICLE V
Provisions for Flood Hazard Reduction

- \$5.1 General standards.
- \$5.1-1 Anchoring.

RESOLUTIONS Continued

- §5.1-2 Construction materials and methods.
- §5.1-3 Utilities.
- §5.1-4 Subdivision proposals.
- §5.1-5 Encroachments.
- §5.2 Specific standards.
- §5.2-1 Residential construction.
- §5.2-2 Non-residential construction.
- §5.2-3 Construction standards for areas of special flood hazards without base flood elevations.
- §5.3 Coastal high hazard area.
- §5.3-1 Location of structures.
- §5.3-2 Construction methods.
- §5.3-3 Disturbance of sand dunes.
- §5.3-4 Submission and maintenance of construction records

ARTICLE VI
Variance Procedure

- §6.1 Appeals board.
- §6.2 Conditions for variances.

[HISTORY: Adopted by the Town Board of the Town of Riverhead
___/___/___ as Local Law No. ____-1987]

RESOLUTIONS ContinuedFLOOD DAMAGE PREVENTION

1.1 FINDINGS

The Town Board of the Town of Riverhead finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Riverhead and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publically and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) control the alteration of natural floodplains; stream channels, and natural protective barriers which are involved in the accomodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

RESOLUTIONS Continued

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE, or V1-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent change of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

RESOLUTIONS Continued

"Building" means any structure built for support, shelter, or enclosure for occupancy or storage.

"Cellar" has the same meaning as definition of "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an ovvidical map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" has the same meaning as "Regulatory Floodway".

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

RESOLUTIONS Continued

"Lowest Floor" means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this Local Law.

"Principally Above Ground" means that at least 51 percent of the actual case value, excluding land value, is above ground.

"100-year Flood" has the same meaning as "Base Flood".

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

RESOLUTIONS Continued

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES.

This Local Law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Riverhead.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Riverhead, 36085C, of Suffolk County, New York", dated December 1, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and map is on file at the Town Clerk's Office and Building Department.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS.

This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

RESOLUTIONS Continued

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the most restrictive, or that imposing the higher standard, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Riverhead from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Riverhead, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

RESOLUTIONS Continued

The Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying development permit applications in accordance with its provisions.

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.2.

Application for a Development Permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-1 APPLICATION STAGE

The following information is required where applicable:

- (a) elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures;
- (b) elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) when required a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in Section 5.1-3(1);
- (d) certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2-2; and
- (e) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 CONSTRUCTION STAGE

Upon placement of the lowest floor, or flood-proofing by whatever means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Administrator a certificate of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal

RESOLUTIONS Continued

structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to:

4.3-1 PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this local law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this local law, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas. An engineering study may be required of the applicant for this purpose.
 - (i) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this local law.
 - (ii) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

RESOLUTIONS Continued

4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4(4) in order to administer Section 5.2, SPECIFIC STANDARDS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED.

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures, and whether or not the structure contains a basement or cellar.
- (2) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
 - (ii) maintain the floodproofing certifications required in Sections 5.1 and 5.2.
- (3) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of Section 5.3-2(3) are met.
- (4) Maintain for public inspection all records pertaining to the provisions of this local law including variances when granted and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

The Local Administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

RESOLUTIONS Continued

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Local Administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order issued by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.
- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order issued by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

4.3-8 CERTIFICATE OF COMPLIANCE

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.
- (2) All other development occurring within the designated flood hazard area will have upon completion of a Certificate of Compliance issued by the Local Administrator.

RESOLUTIONS Continued

All certifications shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

SECTION 5.0
PROVISIONS FOR FLOOD HAZARD EDUCATION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required;
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

RESOLUTIONS Continued

- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in section 4.3-1(3), Permit Review. This may require the submission of additional technical data to assist in the determination.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD AREAS and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
- (2) have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

RESOLUTIONS Continued

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
- (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to the flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:

RESOLUTIONS Continued

- (i) a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and
- (ii) a licensed professional engineer or licensed land surveyor shall certify the specific elevation in relation to mean sea level to which the structure is floodproofed.

The Local Administrator shall maintain on record a copy of all such certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

- (1) New Construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished frame;
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.3 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V Zones) are located with the areas of special flood hazard established in Section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave/wash; therefore, the following provisions shall apply:

RESOLUTIONS Continued

5.3-1 LOCATION OF STRUCTURES

All buildings or structures shall be located landward of the reach of the mean high tide.

5.3-2 CONSTRUCTION METHODS

(1) Elevation

All new construction or substantial improvements shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level so as to not impede the flow of water.

(2) Structural Support

(i) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist floatation, collapse and lateral movement due to the effects of wind and high velocity water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).

(ii) A licensed professional engineer shall develop or review the structural design, specifications and plans for the construction, and shall submit to the Local Administrator a written certification that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Sections 5.3-2(1) and 5.3-2(2) (i).

(iii) There shall be no fill material used for structural support of any new building or substantial improvement of an existing structure.

(3) Space Below the Lowest Floor, Breakaway Walls

RESOLUTIONS Continued

- (i) The space below the lowest floor of all new construction or any existing building that is being altered, repaired or improved after the effective date of this Local Law shall be either kept free of obstructions or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (ii) A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls exceeding a design safe loading resistance of 20 pounds per square foot are permitted only if a licensed professional engineer or architect certifies in writing to the Local Administrator that the designs proposed meet the following conditions:
 - a.) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b.) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).
- (iii) The enclosed space below the lowest floor shall be used only for parking of vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts only are subject to the design requirements for breakaway walls in Section 5.3-2(3) (ii).

5.3-3 DISTURBANCE OF SAND DUNES

There shall be no alteration of sand dunes which would increase potential flood damage. Any disturbance of sand and/or earthen material shall be conducted in strict compliance with State or local Coastal Erosion Hazard Area regulations.

RESOLUTIONS Continued

5.3-4 SUBMISSION AND MAINTENANCE OF CONSTRUCTION RECORDS

- (1) The applicant for a Development Permit for all new construction or substantial improvements shall submit in writing to the Local Administrator the following:
 - (i) a statement certifying whether or not the structure contains a basement; and
 - (ii) the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor of the structure. The elevation shall be certified by a licensed professional engineer or land surveyor.
- (2) The Local Administrator shall maintain a record of all information required under paragraph (1) of this Section.

SECTION 6.0
VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by Town Board shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other section of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;

RESOLUTIONS Continued

- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

RESOLUTIONS Continued

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places; without regard to the contributing structures procedures set forth in the remainder of this section.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

RESOLUTIONS Continued

- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this 4th day of August, 1987 by the
Town _____ of _____ Riverhead _____ of
Suffolk County, New York, to be effective
upon filing with the Secretary of State.

JOSEPH F. JANOSKI, Supervisor

LOUIS BOSCHETTI, Councilman

JOHN LOMBARDI, Councilman

ROBERT PIKE, Councilman

VICTOR PRUSINOWSKI, Councilman

SEAL

IRENE J. PENDZICK

ATTEST. _____ TOWN CLERK

Dated: August 4, 1987

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK

IRENE J. PENDZICK, TOWN CLERK

8/4/87

RESOLUTIONS Continued:

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#539 APPOINTS CORRECTION OFFICER I

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

RESOLVED, Ethel Thomas, Joseph Wilk, David Foster, and Robert Trepanowski be and are hereby appointed to the position of Correction Officer I, at the hourly rate of \$5.00, effective August 5, 1987; and

BE IT FURTHER

RESOLVED, the Town Clerk be and is hereby authorized to forward certified copies of this resolution to the Accounting Department, Riverhead Police Department, and Ethel Thomas, Joseph Wilk, David Foster, and Robert Trepanowski.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#540 DETERMINATION AND FINDINGS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW (MIGNONE, INC.)

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

WHEREAS, after due publication, a public hearing was held by this Board on the 16th day of June, 1987, at 7:45 o'clock p.m. at which time all interested persons were heard, pursuant to Eminent Domain Procedure Law, Section 204, regarding a proposed public project, hereby designated as "Town of Riverhead Highway Substation" (hereinafter referred to as "Project"), and after due deliberation, be it

RESOLVED, that the determination and findings of this Board, for the Town of Riverhead, pursuant to Section 204, Eminent Domain Procedure Law, as follows:

(a) The Project will acquire land and building located South of Sound Avenue, Wading River, New York, to be used by the Riverhead Highway Department as a substation and for the construction of a salt storage barn;

(b) The Project will consist of acquiring and taking the real property and buildings located South of Sound Avenue, Wading River, New York, of approximately four-and-one-half (4.5) acres, more or less, which property is currently owned by Mignone, Inc., for the purpose of using the property for the Riverhead Highway Department as a substation and the construction of a salt storage barn;

(c) The Project will have no adverse effect on the environment and residents of the locality in that a highway substation will be constructed to provide Highway Department services to the Riverhead area and salt storage facility will provide improved sanding and salting capabilities during winter storms;

8/4/87

RESOLUTIONS Continued:

(d) Copies of these determinations and findings will be forwarded to anyone, without cost, upon request of the Town Clerk;
and be it further

RESOLVED, that the Town Clerk is directed to publish the annexed Public Notice in five (5) consecutive issues of Newsday, a newspaper having general circulation in the Town of Riverhead, and in two successive issues of the Riverhead News-Review, the official newspaper of the Town of Riverhead.

TOWN OF RIVERHEAD
PUBLIC NOTICE

Pursuant to Eminent Domain Procedure Law, Section 204, a duly called public hearing was held on the 16th day of June, 1987, at 7:45 o'clock p.m., at which time all interested persons were heard, regarding the Town of Riverhead Highway Department Substation, a proposed public project, which was held to inform the public and to review the public use to be served by the project and the impact of the project on the environment and the residents of the locality where said Project.

On August 4, 1987, the condemnor, Town of Riverhead, Suffolk County, New York, made its determination and findings based on the hearings. A copy of the determination and findings will be forwarded to any interested person, without cost, upon written request to the Town Clerk, 200 Howell Avenue, Riverhead, New York, 11901.

A synopsis of the determination and findings is as follows:

(a) The Project will acquire land and buildings located South of Sound Avenue, Wading River, New York, to be used by the Riverhead Highway Department as a substation and for the construction of a salt storage barn;

(b) The Project will consist of acquiring and taking the real property and buildings located South of Sound Avenue, Wading River, New York, of approximately four-and-one-half (4.5) acres, more or less, which property is currently owned by Mignone, Inc., for the purpose of using the property for the Riverhead Highway Department as a substation and the construction of a salt storage barn;

(c) The Project will have no adverse effect on the environment and residents of the locality in that a highway substation will be constructed to provide Highway Department services to the Riverhead area and a salt storage facility will provide improved sanding and salting capabilities during winter storms;

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lobardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

8/4/87

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RESOLUTIONS Continued:

#541 TRANSFER OF FUNDS

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following:

	<u>FROM</u>	<u>TO</u>
Ambulance Donation Account (AM 2705	\$1,000.00	
Ambulance Equipment Fund (AM 4540.200		\$1,000.00

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#542 TRANSFER OF FUNDS

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

RESOLVED, that the Supervisor be, and hereby is, authorized to transfer the following:

GENERAL FUND BUDGET ADJUSTMENTS

	<u>FROM</u>	<u>TO</u>
A1330.404 Tax Receiver Tax Maps	\$250.00	
A3120.411 Police Gasoline	200.00	
A3120.225 Police Miscellaneous	25.00	
A7310.108 Youth Programs-Football	900.00	
A7620.103 Adult Recreation Tennis	600.00	
A7620.106 Adult Recreation Basketball	1030.00	
A7620.107 Adult Recreation Volleyball	220.00	
A1330.408 Tax Receiver Book Binders		250.00
A3120.410 Police Fire Ext. Refills		100.00
A3120.231 Police Law Library		100.00
A3120.210 Police Emergency Lights		25.00
A7310.105 Youth Tennis		2610.00
A7310.109 Youth Basketball		140.00

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#543 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: ADDING TO SECTION 108-76C OF THE RIVERHEAD TOWN CODE

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

8/4/87

RESOLUTIONS Continued:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to adding to Section 108-76C to the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of August, 1987, at 8:20 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to adding to Section 108-76C of the Riverhead Town Code as follows:

5. Chapter 108-60 of the Zoning Ordinance provides for off-street parking and truck loading space requirements. As an incident of the implementation of Chapter 108, non-residential property owners in particular are required to supply parking and truck loading spaces whenever commercial premises are improved. Consistent with the requirements, the Board of Appeals is permitted, on consideration of sufficient evidence and proof, to vary the terms and requirements of Chapter 108 to the extent that off-street parking and/or truck loading spaces may be in whole or in part avoided.
6. The Town Board recognizes that such parking and off-street truck loading space variances may be appropriate as a matter of legal construction, but the Town Board also recognizes that there is a continuous and persistent demand for additional off-street parking and/or truck loading spaces throughout all zoning districts. Conditions that may be established by a Zoning Board of Appeals on the issuance of a parking variance do not and cannot meet the problem of insufficient parking and truck loading spaces. Therefore, the Town Board finds that special provisions must be enacted in order to avoid or minimize the adverse impacts of such variances and in order to promote the purposes for which Chapter 108 was originally enacted.
7. Town Board decisions to establish a trust fund to be used by the Town of Riverhead exclusively for public off-street parking and truck loading space purposes, including the acquisition and improvement

RESOLUTIONS Continued:

of land for such purposes. By way of further explanation, these special provisions would require as a condition to the granting of a parking or truck loading space variance a payment to such trust fund of a sum to be determined by the Town Board from time to time for each and every space for which a variance is granted. The total amount required to be paid to the trust fund would be equivalent to the number of spaces for which the variance or variances are granted, multiplied by the per-space sum in effect at the time of the granting of the variance or variances. The per-space sum is intended to be equivalent to the estimated cost per space of providing off-street parking and truck loading spaces. As a result of the enactment of these special provisions as an ordinance, the Town of Riverhead would be able to provide spaces needed and would thereby promote the public safety and welfare by alleviating traffic congestion and easing the use of the commercial facilities now or hereafter established in all zoning districts.

8. Every decision of the Board of Appeals which grants a variance waiving, varying or modifying the requirements of Chapter 108 to the extent that the number of spaces required by Chapter 108 for off-street parking and/or truck loading is reduced shall clearly set forth the extent of such variance or variances by stating the number of spaces required pursuant to Chapter 108, the reduced number of spaces required by reason of the decision by the Board of Appeals and the number of spaces thus avoided or waived by the determination of the Board of Appeals. The number of spaces so waived by the Board of Appeals shall constitute the number of spaces for which a variance is required.
9. Every such variance granted by the Board of Appeals waiving, varying or modifying the requirements of Chapter 108 for off-street parking and/or truck loading spaces in whole or in part, where the zoning districts are a pre-existing non-residential use in any zoning district, shall be made subject to a condition requiring a payment to the Town of Riverhead of a sum to be determined by the Town Board from time to time for each and every space for which a variance or waiver is granted, which said sums shall constitute a trust fund to be used by the Town Board exclusively for public off-street parking and truck loading space purposes, including the acquisition and improvement of land for such purposes. Such condition shall be deemed a condi-

RESOLUTIONS Continued

tion of every such variance, and such payment may be referred to as the off-street parking space fee.

10. The amount of the per-space sum required to be paid to the Town for each and every space for which a variance is granted shall be two thousand dollars (\$2,000.) per space, or such other amount as the Town Board may hereafter fix by resolution of the Town Board, which shall be reviewed and fixed again from time to time as circumstances warrant.
11. There is hereby created a Town of Riverhead Public Off-Street Parking and Truck Loading Space Trust Fund to be used by the Town Board exclusively for off-street parking and truck loading space purposes, including the acquisition and improvement of land for such purposes.

and be it further

RESOLVED, that a certified copy of this resolution shall be referred to the Planning Board for its review and recommendations.

Dated: Riverhead, New York
August 4, 1987.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

*broken lines represent deletion(s).
**underscore represents addition(s).

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#544 NOTICE OF PUBLIC HEARING PURSUANT TO EMINENT DOMAIN PROCEDURE
LAW RE: PROPERTY OF JAMES & SOPHIE NORTH

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

RESOLVED, pursuant to Eminent Domain Procedure Law, a public hearing will be held on the 18th day of August, 1987, at 8:10 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons as to the condemnation by the Town of Riverhead, through Community Development Agency, of the premises known as Suffolk County Tax Map No. 0600-124-1-15-, known as 1035 West Street, Riverhead, New York, and owned by James and Sophie North; and be it further

8/4/87

RESOLUTIONS Continued:

RESOLVED, that the Town Clerk be and is hereby authorized to publish this resolution in its entirety in five (5) consecutive issues of Newsday, a newspaper having general circulation in the Town of Riverhead, and two (2) consecutive issues of the Riverhead News-Review, the official Town newspaper, which is published weekly, and post same in Town Hall at 200 Howell Avenue, Riverhead, New York.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#545 APPOINTS CUSTODIAL WORKER I

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

WHEREAS, a vacancy was posted and advertised for said position.

NOW, THEREFORE, BE IT

RESOLVED, Rachael Thomas be and is hereby appointed to the position of Custodial Worker I at the Riverhead Town Police Department facility, at the annual compensation of \$15,644.96 as set forth in Group I, Step P of the CSEA Salary Operation and Technical Schedule effective July 27, 1987, and

BE IT FURTHER RESOLVED, that the Town Clerk forward a copy of this resolution to the Accounting Office, Captain Grattan, and Rachael Thomas.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

#546 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: REPEALLING LOCAL LAW #2 of 1986 ENTITLED, "ALARM SYSTEMS"

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to repealling Local Law #2 entitled, "Alarm Systems".

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of August, 1987, at 8:30 P.M. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to repealling Local Law #2 entitled, "Alarm Systems", in its entirety.

Dated: Riverhead, New York
August 4, 1987

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

RESOLUTIONS Continued

The vote, Boschett, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#547 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: THE ADDITION OF LOCAL LAW ENTITLED, "ALARM SYSTEMS".

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the addition of Local Law entitled, "Alarm Systems".

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of August, 1987, at 8:35 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons with regard to the addition of Local Law entitled, "Alarm Systems" as follows:

CHAPTER 45

ALARM SYSTEMS

A LOCAL LAW PURSUANT TO MUNICIPAL HOME RULE LAW PROVIDING FOR THE REGULATION OF ALARM SYSTEMS IN THE TOWN OF RIVERHEAD.

S45-1 Definitions.

S45-2 Intentional false alarms.

S45-3 Charges for false emergency alarms.

S45-4 Rules, regulations and enforcement.

S45-5 Severability

S45-6 Penalties for offenses.

S45-7 When effective.

S45-1 Definitions.

For the purpose of this local law, the following definitions shall apply:

RESOLUTIONS Continued

EMERGENCY ALARM - Any fire or police alarm device designed to be actuation by a fire, criminal act or other emergency at a specific location or by a victim of a holdup, robbery or other emergency or criminal act at a specific location.

FALSE EMERGENCY ALARM - Any signal actuated by an emergency alarm to which the Police or Fire Department responds which is not the result of a fire, holdup, robbery or other crime or emergency.

FIRE DEPARTMENTS - Buildings owned by the Fire Districts of Riverhead, Jamesport and Wading River and their respective protection areas.

INTRUSION - Any entry into an area or building equipped with one (1) or more police and fire alarm devices by an person or object whose entry actuates a police alarm device.

POLICE HEADQUARTERS - Police headquarters and other enclosures housing privately or publicly owned equipment serving the police.

S45-2 Intentional false alarms.

It shall be a violation of this local law to intentionally cause a false holdup alarm, and any person who does intentionally cause a false holdup alarm shall be subject to the penalty provisions hereof.

S45-3 Charges for false emergency alarms.

Any owner or lessee of property having a fire or police alarm device or system of fire or police alarm devices on his or its premises on the effective date of this local law and any user of services or equipment furnished by a licensee under this local law shall pay to the town a charge for each and every false emergency alarm to which the Police or Fire Departments respond, in each calendar year, as follows:

A. First and second false emergency alarm each calendar year; no charge.

B. Third and all subsequent false emergency alarm each calendar year; one hundred dollars (\$100).

The above charges shall be paid to the Town Clerk. Failure to pay any such charges shall subject such owner, lessee or user to the penalty provisions of this local law.

S45-4 Rules, regulations and enforcement.

The licensing authority shall promulgate rules, regulations, and standards which shall be approved by the Town Board that may be necessary for the purpose of assuring the quality, efficiency and effectiveness of fire or police alarm devices and alarm installations owned, operated, maintained, installed, leased or sold by

RESOLUTIONS Continued

a licensee under this local law and to facilitate the administration of this local law. The licensing authority shall administer and enforce the provisions of this local law. The aforesaid rules, regulations and standards shall be set forth in writing and copies shall be available for applicants.

S45-5 Severability.

In any part or parts of this local law are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this local law. The Town Board hereby declares that it would have passed the local law enacting this local law and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases might be declared invalid.

S45-6 Penalties for offenses.

Any person, firm or corporation who does not pay any charge or fee established in this local law or who violates any provision of this local law shall be subject to a fine not in excess of two hundred fifty dollars (\$250) for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed and such violation may constitute disorderly conduct, in which event such person shall be a disorderly person.

S45-7 When effective.

This local law shall become effective upon filing with the Secretary of State.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes.
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#548 REFERS TO PLANNING BOARD REQUEST OF RIVERSIDE DRIVE RESIDENTS FOR CHANGE OF ZONE FROM RESIDENCE "C" TO RESIDENCE "D".

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, this Town Board is in receipt of a petition signed by residents of the Riverside Drive area requesting a change of zone from Residence "C" to Residence "D".

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of said petition to the Planning Board for their review and written recommendation, and

BE IT FURTHER RESOLVED, the Town Clerk shall accompany said petition with a certified copy of this resolution.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#549 AUTHORIZES HIGHWAY SUPERINTENDENT TO CONDUCT STREET LIGHTING SURVEY.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Highway Superintendent be and is hereby directed to conduct a street lighting survey on Sandy Court, Riverhead, New York, and be it further

RESOLVED, that the recommendation of the installation of lights on Sandy Court pursuant to said street lighting survey shall be at the direction of the Town Board.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#550 DETERMINATION AND FINDINGS PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW (REGINA BROWN).

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, after due publication, a public hearing was held by this Board on the 2nd day of June, 1987, at 7:45 o'clock p.m., at which time all interested persons were heard, pursuant to Eminent Domain Procedure Law, Section 204, regarding a proposed public project, hereby designated as "Town of Riverhead Urban Renewal" (hereinafter referred to as "Project"), and after due deliberation, NOW, THEREFORE, BE IT

RESOLVED, that the determination and findings of this Board, for the Town of Riverhead, pursuant to Section 204, Eminent Domain Procedure Law, are as follows:

(a) The Project will acquire land and buildings located on Riverside Drive, Riverhead, New York, for urban renewal;

(b) The Project will consist of acquiring and taking the real property and buildings designated as (No #) Riverside Drive, Riverhead, New York, of approximately one-half acre, more or less which property is currently owned by Regina Brown, for the purpose of rehabilitating the existing building;

(c) The Project will have no adverse effect on the environment and residents of the locality in that it will remove a sub-standard building located on the parcel;

(d) Copies of these determinations and findings will be forwarded to anyone, without cost, upon request of the Town Clerk;

and be it further

RESOLVED, that the Town Clerk is directed to publish the annexed Public Notice in five (5) consecutive issues of Newsday, a newspaper having general circulation in the Town of Riverhead, and in two successive issues of the Riverhead News Review, the official newspaper of the Town of Riverhead.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#551 DETERMINES APPLICATION OF OCEANSIDE ENTERPRISES, INC. TO BE TYPE I ACTION, POSITIVE DECLARATION.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, Oceanside Enterprises, Inc. did make application of this Town Board for a Special Permit and an imposition of overlay zoning district at properties designated by S.C.T.M. Nos. 0600-146-3-1 and 0600-146-3-17, and

WHEREAS, the Riverhead Town Board did by resolution adopted July 7, 1987 declare itself to be the lead agency, and

WHEREAS, an Environmental Assessment Form has been submitted by the applicant, and

NOW, THEREFORE, BE IT

RESOLVED, it has been determined by review of said Environmental Assessment Form that the abovedescribed action is considered to be a Type I Action which may have a significant effect upon the environment, and

BE IT FURTHER RESOLVED, that the attached "Notice of Intent to Prepare a Draft EIS and Determination of Significance" be and is hereby authorized to be forwarded to all interested agencies.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#552 ACCEPTS RESIGNATION OF JOHN GERGELA.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, John Gergela did submit to the Town Board his letter of resignation from his position of Automotive Mechanic with the Riverhead Highway Department.

NOW, THEREFORE, BE IT

RESOLVED, that the resignation of John Gergela from his position of Automotive Mechanic with the Riverhead Highway Department be and is hereby accepted effective August 14, 1987 and copy of this resolution be forwarded to the Superintendent of Highways.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#553 APPROVES SITE PLAN OF SUFFOLK CEMENT PRECAST, INC.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, a site plan and elevations were submitted by Suffolk Cement Precast, Inc. for the construction of a concrete pipe plant to be located at Twomey Avenue, Calverton, New York; and

RESOLUTIONS Continued

WHEREAS, the Planning Department has reviewed the site plan and elevations dated May 3, 1987, as prepared by Holzmacher, McLendon & Murrell, P.C., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved, and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned, dated May 3, 1987 and submitted by Holzmacher, McLendon & Murrell, P.C.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Suffolk Cement Precast, Inc., for the construction of a cement pipe plant to be located at Twomey Avenue, Calverton, New York, site plan and elevations dated May 3, 1987, as prepared by Holzmacher, McLendon & Murrell, P.C., be and are hereby approved, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property, that all signage so proposed shall be coordinated in appearance and design and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Suffolk Cement Precast, Inc. hereby authorizes the Town of Riverhead, to enter premises at Twomey Avenue, Calverton, New York, to enforce said handicapped parking regulations;

9. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

RESOLUTIONS Continued

10. Any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. The color of all exterior materials shall be approved by the Planning Department prior to their installation.

12. Planting of the existing fire break shall be of a species which will attain and which shall be maintained at a height not less than those adjacent to said fire break;

13. Any clearing of the site shall not exceed that which is shown on the approved site plan. If the applicant desired to clear beyond those lines indicated thereon, additional application must be made to the Town Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Suffolk Cement Precast, Inc., the Riverhead Planning Department and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of August, 1987, by Suffolk Cement Precast, Inc., with offices at Middle Road, Calverton, New York, Declarant.

WHEREAS, Declarant is the owner of a certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

RESOLUTIONS Continued

3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish, and Refuse Disposal"; and agrees to abide by same;

4. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

5. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis;

10. The color of all exterior materials shall be approved by the Planning Department prior to their installation;

11. Planting of the existing fire break shall be of a species which will attain and which shall be maintained at a height not less than those adjacent to said fire break;

12. Any clearing of the site shall not exceed that which is shown on the approved site plan. If the applicant desires to clear beyond those lines indicated thereon, additional application must be made to the Town Board.

Declarant has hereunto set his hand and seal the day and year above first written.

SUFFOLK CEMENT PRECAST, INC.

BY: _____

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of August, 1987, before me personally came _____ of SUFFOLK CEMENT PRECAST, INC., the owner of certain real property located at Twomey Avenue, Calverton, New York, the subject property of the declaration and covenant and understands the contents thereof; and that he did swear to me that he executed the same.

NOTARY PUBLIC

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#554 APPROVES SITE PLAN OF RAYMOND AND JULIA KRIVACSY.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, a site plan and elevations were submitted by Raymond and Julia Krivacsy for the construction of a metal building to be located at Line Road, Manorville, New York; and

WHEREAS, the Planning Department has reviewed the site plan and elevations dated March 23, 1987, as prepared by Thomas D. Reilly P.E., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved, and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned, dated March 23, 1987 and submitted by Thomas D. Reilly, P.E.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Raymond and Julia Krivacsy for the construction of a metal building to be located at Line Road, Manorville, New York, site plan and elevations dated March 23, 1987, as prepared by Thomas D. Reilly, P.E., be and are hereby approved, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property, that all signage so proposed shall be coordinated in appearance and design and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

4. That the applicant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, be maintained at the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

RESOLUTIONS Continued

8. That adequate parking for the handicapped pursuant to State and Federal law shall be provided that and each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, Raymond and Julia Krivacsy hereby authorizes the Town of Riverhead to enter premises at Line Road, Manorville, New York to enforce said handicapped parking regulations;

9. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. Concrete curbing shall be provided along Line Road frontage per the request of the Highway Superintendent;

12. The site shall be cleared only as indicated on the site plan and the existing vegetation shall remain between the front property line and the building;

13. The building shall be painted "Sierra Madre" as indicated on the color sample attached to the site plan application and the trim shall be as near to the color "brick" as possible as indicated on elevation drawing "B"; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Raymond and Julia Krivacsy, the Planning Department and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION, made the _____ day of August, 1987, by Raymond and Julia Krivacsy, residing at 15 Locust Lane, Northport, New York, Declarant.

WHEREAS, Declarant is the owner of a certain real property situated in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto as provided by the Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

RESOLUTIONS Continued

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure, prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design, and that all provisions of Section 108-56 of the Code of the Town of Riverhead shall be complied with;

3. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal:", and agrees to abide by same;

4. Trash receptacles of a decorative design approved by the Planning Department prior to their installation at the site, shall be maintained at the premises;

5. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

8. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

9. That any and all landscaped areas shall be regularly maintained in a professional manner; and that any planters, planter boxes, window boxes or other container plantings shall be likewise maintained on a year-round basis.

Declarant has hereunto set his hand and seal the day and year above first written.

RAYMOND KRIVACSY

JULIA KRIVACSY

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of August, 1987, before me personally came RAYMOND KRIVACSY and JULIA KRIVACSY, the owners of certain real property located at Line Road, Manorville, New York, the subject property of the declaration and covenant and understands the contents thereof; and that they did swear to me that they executed the same.

NOTARY PUBLIC

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#555 GRANTS LEAVE OF ABSENCE OF MICHAEL P. REED.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, Michael P. Reed did submit to this Town Board a letter requesting a leave of absence from his position of Police Officer.

NOW, THEREFORE, BE IT

RESOLVED, that Michael P. Reed be and is hereby granted a leave of absence from his position of Police Officer for a period of six months effective August 27, 1987 through and including February 29, 1987, and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a copy of this resolution to Michael P. Reed, Chief Grattan, and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#556 EXEMPTS APPLICATION OF JOHN KURPETSKE FROM MORATORIUM.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, this Town Board has declared a moratorium in the southwest sector of the Town of Riverhead, and

WHEREAS, said moratorium was amended to permit the Town Board to review, on an individual basis, those applications for building permits and site plan review of either existing businesses or applications which were underway prior to the establishment of said moratorium.

NOW, THEREFORE, BE IT

RESOLVED, that the application of John Kurpetski for the construction of an in-ground swimming pool at Sunny Line Drive, Calverton be and is hereby deemed exempt from the moratorium, and

BE IT FURTHER RESOLVED, that the adoption of this resolution does not necessarily grant the necessary building permits but only permits the applicant to proceed through the process of obtaining all necessary permits, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to John Kurpetski and to the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued#557 DETERMINES APPLICATION OF VALMONT HOMES (MILL POND COMMONS)
TO BE UNLISTED ACTION, NEGATIVE DECLARATION.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, Valmont Homes did make application of this Town Board for a special permit for the construction of condominiums and cluster development on property located north of Elton Avenue and south of an existing Suffolk County drainage easement, more specifically described as S.C.T.M. Nos. 0600-109-1-P.011, 0600-109-2-1, and

WHEREAS, the Riverhead Town Board did by resolution adopted March 9, 1987 declare itself lead agency, and

WHEREAS, an Environmental Assessment Form has been submitted by the applicant.

NOW, THEREFORE, BE IT

RESOLVED, it has been determined by review of said Environmental Assessment Form that the above described action is considered to be an Unlisted Action which will not have a significant effect upon the environment; and

BE IT FURTHER RESOLVED, that the "Notice of Determination of Non-Significance" (as filed) be and is hereby authorized to be forwarded to all interested agencies.

The vote, Boschett, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#558 ADOPTS RESOLUTION RE: AMENDMENT TO SECTION 101-3(B) OF THE
RIVERHEAD TOWN CODE.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, the Town Clerk was authorized to publish and post a public notice for a Public Hearing to be held on the 30th day of June, 1987, at 8:50 p.m. at the Town Hall for the purposes of hearing all interested persons with regard to amending Section 101-3(B) of the Riverhead Town Code; and

WHEREAS, all persons wishing to be heard were heard on the date and at the time and place specified and for the purpose stated in said public notice.

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to Section 101-3(B) of the Riverhead Town Code be and is hereby adopted as follows:

Intersection	Yield-Stop Sign On	Entrance From
Middle Road	Deep Hole Road	West

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News-Review and post same at the Town Hall; and be it further

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Highway Department.

*broken lines represents deletions

*underscore represents amendments

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#559 RESCINDS RESOLUTION #515 - REQUEST FOR PROPOSALS.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, by resolution #515, this Town Board did authorize the Town Clerk to publish and post a Request for Proposals in editions of Newsday and the New York Times, and

WHEREAS, the cost of said advertisements was prohibitive.

NOW, THEREFORE, BE IT

RESOLVED, that resolution #515 of this body be and is hereby rescinded.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#560 AUTHORIZES TOWN EXPENDITURES.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and hereby is authorized to pay the following:

PAL

Abstract #10 vouchers 7a-8 7a-8 totalling \$ 60.1313

GENERAL TOWN

Abstract #10 vouchers 6389-6527-totalling \$737,108.20

HIGHWAY

Abstract #10 vouchers 402-433 totalling \$132,137.82

TOWN HALL CAP. PROJECTS

Abstract #10 vouchers 39-41 totalling \$ 12,847.86

STREET LIGHTING

Abstract #10 vouchers 167-175 totalling \$ 7,108.38

PUBLIC PARKING

Abstract #10 vouchers 149-151 totalling \$ 897.97

AMBULANCE

Abstract #10 vouchers 9-10 totalling \$ 899.55

RESOLUTIONS ContinuedYOUTH SERVICESAbstract #10

vouchers 22-27

totalling \$ 2,733.55

SRS. HELPING SRS.Abstract #10

vouchers 47-50

totalling \$ 4,710.80

CHIPSAbstract #10

vouchers 9

totalling \$ 2,022.46

FIRST ST. PARKINGAbstract #10

vouchers 80-15

totalling \$ 2,500.00

MUNICIPAL GARAGEAbstract #10

vouchers 119-120

totalling \$ 4,078.53

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

There being no further business on motion or vote, the
meeting adjourned at 10:41 p.m.

IJP:nm



Irene J. Pendzick
Town Clerk